

Sheriff's Manual

By

EVERETT M. KING



PUBLISHER

National Sheriffs' Association
WASHINGTON 6, D. C.

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THE proposal for the compilation of an informative manual for sheriffs was made at the Fifteenth Annual Conference of the National Sheriffs' Association in 1955. The original outline consisted of more than 30 subjects.

Following acceptance and sponsorship of the project by the conference delegates, Sheriff H. P. Gleason of Alameda county, California, then president of the NSA, volunteered to undertake the preparation of material for the manual. Upon acceptance of this offer, Sheriff Gleason assigned former Lt. Everett M. King, Director of his Training Division, to take over the research, organization, and writing of the initial drafts of the manuscript.

In September of the same year, the Association conducted a survey among its sheriff -members. The survey questionnaire covered 50 basic subjects with approximately 300 individual questions.

The following nine months were devoted exclusively to studying and summarizing information contained in questionnaire responses. Nearly 1,500 questionnaires were sent to sheriffs and a tremendous amount of information was accumulated.

Planning for the manual at the outset was based on the premise that the entire outline presented at Miami Beach, Fla., should be included. As research and consolidation of accumulated information proceeded, adequate coverage of the original outline was found to be impractical because of the overwhelming mass of pertinent data available. It was decided, therefore, that Lt. King should condense the information and limit discussion to topics of most likely value and use to sheriffs.

This conclusion resulted in a revised working outline consisting of 20 subjects which were later divided into 21 chapters.

Thousands of man-hours have been expended in reading source-material, extracting pertinent facts, writing and rewriting of the various drafts, and corresponding with many sheriffs throughout the Nation.

INTRODUCTION

THE National Sheriffs' Association is indebted to former sheriff's lieutenant, Everett M. King, presently coroner of Alameda County, Oakland, California, and his sheriff, H. P. Gleason for this manual, which required more than five years' study and writing before its completion.

The Association is further indebted to the original "Manual Review Committee":

Sheriff Robert S. Moore, Desha County, Arkansas City, Arkansas

Sheriff Donald Tulloch, Barnstable County, Barnstable, Massachusetts Sheriff Bryan Clemmons, East Baton Rouge Parish, Baton Rouge, Louisiana

Sheriff Sam Owens, St. Louis County, Duluth, Minnesota

John Madigan, Attorney, Florida Sheriffs' Association, Tallahassee, Florida

Former Sheriff Robert Glasser, Erie County, Buffalo, New York

Former Sheriff W. C. Tegtman, Weld County, Greeley, Colorado

John M. Goldsmith, NSA General Counsel, Radford, Virginia

Sheriff H. P. Gleason, Alameda County, Oakland, California, Chairman

We also wish to express thanks to Thomas J. Sinclair and Paul B. McGee for editorial services, and to the secretarial staff in the NSA Executive Offices in Washington, D. C. for the numerous typewritten transcripts necessary for the completion of the work.

The National Sheriffs' Association undertook this project for the guidance of new sheriffs who are elected to office, and as a refresher manual for seasoned veterans. We are hopeful that it will also be of value to students of county government and provide them with a better knowledge and understanding of the responsibilities and obligations of the county sheriff.

CHARLES T. HAHN

Executive Secretary

NATIONAL SHERIFFS' ASSOCIATION

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CHAPTER I ORIGIN AND HISTORY OF THE SHERIFF

The Office of Sheriff

The word *sheriff* suggests excitement, adventure, and Western romance. Strangely, however, the word *sheriff* means different things to different people.

To one, the sheriff is a man of strong moral fiber, unimpeachable character, and physically robust—a rough-and-ready fellow who takes his duty seriously and handles all problems with dispatch and efficiency.

To another, the sheriff is a person who is an instinctive leader of men, whose prime duty is to pursue criminals relentlessly, displaying a high degree of courage and intelligence in apprehending the culprits.

To still another, who may have had some direct personal experience, the sheriff is, above all, human, dedicated to the welfare of his charges, a man who rescues the distressed and protects the innocent to the limit of his ability.

All of these opinions, and many others, are founded on fact. If we consider the sheriff as an individual, then analyze the job which he does, we find the position to be one which encompasses a tremendous area of activity.¹

Some sheriffs specialize in a single and specific field, such as civil process and procedure. Generally, however, the majority of sheriffs, working in counties of limited population, are required to perform duties covering several fields and things which have been basic elements of office for many years. In order to present a basic picture, this text will explain briefly in subsequent chapters the various duties included in the overall operations of the office of sheriff.

The office of sheriff, and the person holding the position, is accorded a high degree of respect. It is a dignified office, and commands the highest public confidence. By and large, most citizens feel the sheriff to be a person who can solve any problem, or resolve any difficulty with ease. These factors of trust and confidence are highly gratifying, and make it easier for the sheriff to perform his duties.

On the other hand, the sheriff is a person with innumerable duties and responsibilities. He is plagued with countless cares and worries. The demands of his office frequently require him to forego activities which he might otherwise enjoy. His family relations may be strained by his enforced absences. He must subordinate personal interests and keep the problems of the public welfare uppermost in his thoughts at all times. A sheriff must allocate his time among a myriad of duties.

There are three major categories which include most of the sheriff's operations. These are: matters which relate to civil process and procedure, those of a criminal nature, and the operation of custodial facilities.

The custodial duty generally consumes considerable time, since the sheriff usually is required to operate a jail for the security and safety of his prisoners. Likewise, he may operate a specialized rehabilitation unit, a road camp, a farm, or a clinic. Each of these separate functions requires detailed records. Inherent problems may create other administrative requirements.

The sheriff is held accountable for many problems, situations, and duties other than those enumerated. He must rescue and assist the injured. The helpless, frequently, are his personal charges. He must cooperate with other authorities in furtherance of the public welfare. He may be required to administer public funds or to collect and account for taxes.

The sheriff must suppress riots and affrays, appoint deputies, maintain records, prepare reports and surveys, and account for civil fees and other funds. He must give speeches and make many public appearances. To

¹ Determined by the evaluation of questionnaires returned by sheriffs during the course of the National Sheriffs' Association survey in preparation for this text

supplement his regular duties, he may operate youth organizations or other auxiliary units to supplement his paid personnel. Additionally, he may be required to operate ambulances, rescue units, traffic enforcement divisions, and scientific laboratories. Not uncommonly, he is either the Director of Civil Defense within his area, or is closely associated with the civil defense program.

One basic characteristic of the sheriff's job is often overlooked. This is the requirement that he always be available for duty regardless of the circumstances or situation. The public in general gives little thought to this factor, but invariably reacts violently if the sheriff cannot be contacted for duty when seemingly needed. There is no doubt that the requirement of constant availability imposes extreme hardship upon the sheriff with a limited staff, or none, in which case he is required to perform all duties himself. To be available at all hours, and at the same time be efficient and cooperative, requires great sacrifice, as well as a deep and profound devotion to duty, on the part of the sheriff.

Another rarely recognized consideration is the risk connected with duty. No sheriff, nor any of his deputies, doubts the existence of danger in law enforcement, and all, without exception, risk life and limb in the pursuit and arrest of law violators. Justice must prevail, and risk goes with the sheriff's badge. The public welfare is always the criterion which determines the degree of hazard which must be taken in any given situation.

The sheriff has countless duties which range from the very minor to those of critical importance. Many cannot be detailed here, but will be discussed in detail in subsequent sections, since they are of major importance. Discussions of problems which do not have application across the nation have been kept to a minimum. However, additional information is available elsewhere for those with localized problems.²

Origin of the Sheriff

The office of sheriff is one of antiquity. It is the oldest law enforcement office known within the common-law system and it has always been accorded great dignity and high trust. Evidence is available to prove that this office existed as early as the ninth century, but the exact genesis of the office is obscure.

We know that the earliest annals of English law show that the sheriff was a recognized official, performing his duties, long before the Magna Charta. Records show that the office of sheriff, and other law enforcement agencies established by the Saxon kings, flourished in Norman England before 1066 A.D. These agencies, even with their limited duties, established the fundamentals of local law enforcement. The basic police elements were established by King Alfred during the last quarter of the ninth century. The system established at this time was organized by, and depended upon, support of bail and sponsor guarantees. By this method, the king made every freeman a pledge for good behavior of his neighbor within the same group or community.

This system also required that freemen, who held no land, group themselves into *tithings* which consisted of ten families. Each of these groups then elected one of their number to act as chief, or *tithing man*. He was held responsible to give the alarm (known as the hue and cry) when a criminal or escaped suspect was at large.

Tithings were further consolidated into larger organizations which were called *hundreds*, and these were likewise directed by an elected chief. Continuation and extension of this system, by combining the *hundreds*, resulted in the *shire*, the leader of which was known as the *shire-reeve*. Pronunciation of these two words as one, gradually developed into the modern word *sheriff*.

It is not the purpose of this manual to study the evolution of words. However, it is pertinent to note that the word *shire*, as we know it, was originally the Saxon word *scyre* or *scir*. Likewise, *gerefa* or *reeve*, also Saxon words, actually mean *bailiff* or *keeper*, thus, the modern-day sheriff is actually the *keeper* or *bailiff* of the county.

² The reader is referred to the bibliography and reference list which accompany this volume. It is recommended that the reader consult texts applicable to specific areas, since each state and county has localized problems. It is impossible to consider all isolated, individual problems in the present volume

Harlow supports such a definition in his treatise on sheriffs, wherein he states, ". . . His essential and appropriate duties have been as keeper of the king's peace, ministerial officer of the superior courts, and the king's bailiff .

Other authorities also feel that this is a definition which is applicable to the modern as well as the ancient office of sheriff. We have borrowed and extended this usage so that today it includes sheriffs' deputies who are assigned to administrative duties in the modern-day courts. These deputies are now called bailiffs.

The title *sheriff* is not universal in the United States, although the duties and responsibilities of the various offices may be more or less identical. In Virginia, for instance, *city sergeants*, in approximately 30 independent cities, perform the duties normally the responsibility of the county sheriff.

In tracing the origin of the office of sheriff, some scholars are convinced it is even older than the Norman period. Anderson states ... some legal antiquarians find themselves not content with antedating the Norman Conquest for the establishment of the genesis of the office of sheriff, but profess to find the prototype of the sheriff in the Roman proconsul and that of the earl or count in the consul." He continues: ". . . this view is founded upon ... (the) Law of Edward the Confessor, and Lord Coke lent the prestige of his great name . . . in favor of this view. . ." ³

While the foregoing contention does not have absolute verification, it is known that when the British kingdom was sub-divided into geographical shires, the custody of each shire was committed to an earl. This nobleman was appointed to the position by the king. The earl, in turn, appointed a deputy who was known as a *vice-comes* and, when the earl could not perform the duties of the office himself, his assistant carried out the functions.

Accordingly, the *vice-comes*, or *sheriff*, became the representative of the king, and was the top official of the shire or county, superior in rank to any nobleman within its limits, during his term of office. The length of the term of office during this period is not known; however, as based upon royal prerogative, we assume it was as long as the earl desired. We are certain, however, that the *shire-reeve*, or sheriff, at this time was the supreme judicial and police authority within the county and, as such, was in control of the militia. All men went armed; hence, the militia was virtually the *posse comitatus*, and consisted of the able-bodied men of the county.

Power and authority vested in the office accounted for the high status and noble dignity accorded the sheriff. The high rank established at this point in history has continued through the years. The sheriff is still the supreme ministerial officer of the county.

It might be well to point out the difference in connotation which we have utilized, i.e. judicial versus ministerial duties, since the judicial functions of the office have been eliminated.

During the ninth to thirteenth centuries, the sheriff was vested with the authority to hold court and make decisions concerning the disposition of an accused. In his pseudo *noble* status, he was necessarily vested with both judicial and ministerial duties. As the judicial aspects were gradually transferred to the courts, the office eventually became exclusively ministerial. This transition gradually limited the sheriff's responsibilities and, under common law, the sheriff became chief executive officer of the county, a position which he still retains within our modern society. Today, the sheriff supports the courts, but does not function in the capacity of judge.

Another function which influences some modern sheriffs also had its origin during this early period. This duty was that of tax collector. Pepper in "*Sheriff's Handbook*" states: "The office of sheriff is the oldest in county government. It dates from thirteenth century England when the kings started the practice of appointing officers known as the Shire Reeves, or Reeves of the Shire, as their personal representatives to collect the King's revenue and preserve the King's peace"⁴

The function of collecting revenues is still included among the duties of a small number of our modern American sheriffs. In counties which have considerable population, assessment of property and collection of taxes are usually responsibilities of other officials who may be elected or appointed. Most changes affecting the duty

³ Anderson on Sheriffs. Chapter 1, par. 1, p. 1.

⁴ Pepper, Henry C., *Sheriff's Handbook*, (1st Ed.: Atlanta: School of Business Administration, Atlanta Division, University of Georgia, 1953), par. 1, p. 1

requirements of the sheriff have been stimulated by public desire for decentralization of power. This pressure to reduce individual control and maintain local authority manifested itself constantly during the early formation of all American governmental institutions. Most changes have been confined to the separation of public offices which included widely divergent activities in the same bureau or department. Essentially, these changes have resulted in a more efficient type of public administration.

It is not the purpose of this manual to discuss the relative merits of federal versus state police systems, but it will be advantageous to the newly elected sheriff to know the arguments for and against both systems.

Many changes are currently in progress and may eventually affect the overall scope and power of the sheriff's office. The most important of these will be considered in detail later. In spite of many changes, the sheriff's primary function of preserving the peace has not been altered from ancient times to the modern era. He is the chief officer of his bailiwick today as he has always been.

One of the basic reasons why the office of sheriff has survived to the present day is the desire of the people to maintain the democratic system of checks and balances. The sheriff, in being elective, is selected by the people and is available to them. If he fails to fulfill his duty he can be easily replaced.

Propaganda by certain experts notwithstanding, the office of sheriff adequately and efficiently fulfills needs which cannot otherwise be safely and democratically handled. Certainly the failure, in isolated instances, of some sheriffs is no logical reason to abolish the office completely.

Influence of Ancient Police Services

Before proceeding with consideration of the modern sheriff and his duties, it is well to point out that many changes in the functions of the office have been made since it was originated. The creation and operation of other police services have modified, eliminated, and added to the original duties and responsibilities of the modern sheriff.

Law enforcement was something of a hit-or-miss proposition during early days. In actuality, very little in the way of an effective organized police service was in existence prior to 1826. The first known record of a police unit is contained in a writ issued by Henry III in 1252 A.D. The sheriff was charged with bringing law violators before the king long prior to this date, but his activity usually resulted from a violation of the king's prerogative rather than a breach of law.

Violations of the law were connected with a violation of the king's prerogative rather than the right of the individual citizen.

Under provisions of a writ issued by Henry III, a type of police service was established in the City of London known as the *watch and ward*. The account of this system is the first known written record of a systematic routine police patrol.

Approximately fifteen years later, the *watch and ward* was replaced by appointment of a permanent London police force known as the *standing watch*. Personnel of this force was paid from the municipal funds of the City of London.

Basically, the system of *watch and ward* consisted of a group of householders who were appointed from an established roster. Appointment was made in rotation and paid deputies allowed to be substituted if the assigned house-holder desired. The main objection to this type of enforcement was poorly chosen personnel. This was immediately evident, and records show that substitute deputies were often carelessly chosen, and sometimes were criminals.

Evaluation of these early police systems indicate their structure was essentially of an emergency nature and that a routine patrol did not exist.

As compared with our modern systems which primarily are organized for the prevention of crime, this rudimentary pattern of police organization was devised for the patrolling of extensive areas. Prevention did not enter into their operations. Likewise, there is no evidence that these departments utilized intensive application to correct or control specific types of offenses, and it is doubtful that any records were kept.

Certainly, one basic value of this force lay in the placing of definite responsibility upon a small group of persons, and specifically upon one leader. For the first time, individuals were charged with clearly defined public duties for which the leaders were held responsible. Actually, the entire system was directed toward achieving the hope of the people for a more orderly society.

As time passed, the standing watch became a more systematic, organized and efficient organization. Definite duties were assigned to the watch, and the bellmen were required to report to their constable for inspection when going on or off duty. Chain of command began at this time, and as rank was developed it was identified. The watchmen carried a lamp and a staff; their superior, the constable, carried only a staff.

It is of interest to note that the title of *constable* has a curious and ancient origin. It was developed from the words *comes stabuli*.⁵ These titles were used to address the officer who regulated all matters of chivalry, tournaments and feats of arms performed on horseback.⁶ The words derive from the Latin and were in common French usage at a very early period in history. Gradual transition through usage of the combined words has resulted in our modern word *constable*.

The staff carried by the early constable was his symbol of authority and has evolved into the night stick carried by most modern policemen. (Obviously, there is a practical aspect in the carrying of either the staff or the night stick.)

This rudimentary equipment has been supplemented in America by the carrying of firearms. Here, again, the influence of the past manifests itself, as the practice of carrying guns is probably a continuation of the procedure established by early American law enforcement officers.

Emphasis upon proving authority by personal combat made the use of firearms a necessity during early days. This condition, which necessitated added protection, still exists in our modern society, but authority is now questioned less frequently. The London police force does not permit the use of weapons other than the night stick. The fact that the constable normally carries only a stick is a continuation of the early English tradition established by the *standing watch*.

The officers of these early police systems experienced a difficult time in carrying out their duties, for history recounts many incidents of unmolested action by ruffians and criminals. Protection was poor and few citizens ventured out after dark.

Street lighting was non-existent and, although there was agitation in favor of its installation, none was introduced in London until the early eighteen hundreds.

In spite of the poor efficiency and ineffectuality of this early police system, no changes of a fundamental nature were made until Peel's police reform.

The Early American Sheriff

As might be expected, early colonial law enforcement in America was modeled after European and English counterparts. English colonists copied systems with which they were familiar. Parish constables were made responsible for the night watch, and these officers were supplemented by a military guard. The procedure in New York under the Dutch, prior to English occupation, consisted of an official called a *schout*. In addition to the

⁵ Thorndike-Barnhart Dictionary - Count of the Stable, later Chief Household Officer - Late Latin and Old French.

⁶ Bouviers Law Dictionary p. 625

schout, a watch, called the rattle-watch (because the watchman carried rattles), operated within municipal areas. This system was short-lived, however. When the English took over the administration of the city, the Dutch method was rapidly replaced by the constable's watch.

Gradually, as the area of enforcement was extended, the parish system was replaced by the present county organization. The parish, at that time, was a somewhat nebulous designation. As Webster defines the word, it is the ecclesiastical unit of area committed to one pastor, or, loosely, the territory in which the members of a congregation live. Counties, as they exist today, may encompass the area of one, or several, of the original parishes. They are directly comparable to the English shires where several hundreds of families were in the district. Louisiana is the only state which retains the designation of *parish* instead of *county*.

Under the American county system of government, the sheriff is the primary law enforcement official. As in England, he is essentially a common-law officer, and represents the sovereignty of the state.

He has no superior in his county with regard to matters of law enforcement. His jurisdiction is bounded by his county, but he may pursue escapees and perform ministerial acts out of the county. His jurisdiction covers the entire county, including all municipalities and townships. The office of sheriff was in existence in the early American states and was one of high responsibility as it had been earlier in history.

The Sheriff After 1800

After the first colonies were firmly established and independence had been secured, a definite restlessness and desire for change appeared. The industrial revolution, coupled with the acquisition of territory available for settlement, stimulated the movement of great masses of population to the West. During the early years of the nineteenth century, pioneers moved westward to settle in widely separated communities. When the discovery of gold added impetus to this movement, municipalities of considerable size were established in the mining districts.

One of the first actions of those early settlers was to appoint or elect a sheriff. In spite of this, many areas succumbed to complete domination by violence and criminality. Individuals operated lawless enterprises unhampered. In the more remote areas, it was difficult, if not impossible, for a local sheriff to cope with gangs of criminals who roamed and raided. Casualties among these early lawmen were high, and death was frequent.

During these hectic and violent days another official entered the American scene—the *frontier marshal*. Although primarily interested in the historical aspects surrounding the sheriff, it is well to consider the relationship between the marshal and the sheriff since their cooperation has profoundly influenced present operations of modern police agencies.

Basically, the *federal marshal* was an official charged with apprehending and prosecuting violators of territorial laws. He also was frequently called upon for assistance in handling local problems. He worked closely with the sheriffs in his district. Usually, these marshals were rugged and individualistic persons who were forced to prove their authority, on occasion, by gun fights and acts of physical prowess. Early sheriffs were also men of strong character and positive conviction who had to fight their way out of many difficult situations. Of necessity; the apprehension of criminals was sometimes made in a final way: the offender who contested the legal authority of these officers rarely lived to be tried in any court.

It is not implied that justice did not prevail, but rather to point out that these men sometimes were forced to kill in order to protect themselves and others. Justice had infinite value to most of these men and they protected tradition, principle and fairness with all their abilities. Frequently these officials lost their lives while attempting to protect the person or property of an early pioneer.

The marshal's jurisdiction generally encompassed a much wider sphere of action than the sheriff's. Often these federal officers were charged with maintenance of the peace in areas covering thousands of square miles of sparsely populated territory. It was the practice of these men, once the separate communities elected or

appointed their own sheriffs, to turn over complete jurisdiction to the local officer. Then as now, the marshal was the representative now, federal district courts and sheriffs often remanded local prisoners to them for safe custody or transport.

Some of the larger early American cities, such as St. Louis, Kansas City and others, had officials called *marshals*. Some of these were actually sheriffs, and were locally appointed or elected.

The office of federal marshal still exists, as does the relative jurisdiction between the states, the counties, and the federal government. The federal scope of action has expanded. There are now specialized officers charged with investigation and administration within various fields, including narcotics, customs, immigration, etc. Rarely is there any conflict between these federal agencies and the sheriff upon any basis except that of a clash of personalities.

This is especially true of the Federal Bureau of Investigation. Many sheriffs work closely with agents of the FBI. Cooperation and concentration of combined efforts of both the local sheriff and the FBI has often resulted in successful prosecution, or elimination of criminal problems which threaten the local area.

Much of the romance, and, to a certain degree, the respect currently accorded the modern sheriff has been strongly influenced by the countless heroic and valorous deeds accomplished by the early Western lawmen. The wide dissemination of stories via radio and television, whether fact or fiction, profoundly impress the public mind. The majority of these influences are advantageous to the sheriff and will be considered in some detail in later pages.

One fact stands out clearly. The pioneer period during the eighteen-hundreds was the golden age in the history of the sheriff. He was the strong man; he was the protector; his thoughts and actions were only for others. There is little question that the amazing exploits and high code of ethics exhibited by these early lawmen have done much to create the now favorable state of public mind toward the sheriff. This opinion of the citizenry has been strengthened and enhanced, rather than lessened, by the dedicated application of the modern office holders.

Transition of Duties

Only a few of the duties and responsibilities of the early sheriff were outlined. Generally, the sheriff today comes fairly close to conforming with the description of the early sheriff, but there have been some important changes in duty which should be mentioned at this point.

One of the strongest influences which is tending to alter the sheriff's duties is the phenomenal growth of population within some American metropolitan areas. As local police departments have been organized, the primary, ancient duty of the sheriff to preserve the peace is shared with other local law enforcement agencies, but his functions as related to civil process and procedure have increased a thousandfold.

The size of the county, combined with a detailed analysis of the total population to be served by the agency, and the case load handled by the sheriff's personnel, are the criteria by which sheriffs determine the necessity to operate and maintain specialized elements or divisions of the office. It is important to remember that the force of population growth is constantly in operation and is exerting a tremendous influence toward changing the function of the sheriff.

Another alteration in the sheriff's duty relates to duty as *tax collector*. This, too, may be partly attributable to area population pressure. The requirement that the sheriff act in the dual capacity of law enforcement officer and tax collector has been largely eliminated in most states, though a few still assign this responsibility to the sheriff.

Another function, which did not appear within the ancient duties of sheriff, is that of *coroner*.

This duty was added to the responsibilities of some sheriffs early in American history. The duty of coroner has now been eliminated as a dual function in all but one state, California, and even in this state several coroners are separate county officials.

It is unknown why the office of sheriff and coroner were consolidated in the first place, other than to recognize that the sheriff is often involved in the discovery and investigation of a death. It is possible that the public felt that the sheriff might more expeditiously handle investigation as to cause of death when deceased was not under care of a physician.

CHAPTER II OCCUPANCY OF THE OFFICE OF SHERIFF

Eligibility to Hold Office

An aspirant to the office of sheriff must meet certain requirements in order to become eligible for election or appointment. Most states and counties specify by statute the essential factors required of a citizen before he may file for office. Requirements are usually three in number, though some jurisdictions may add a fourth prerequisite.⁷

First, the citizen must be of legal age. Age must be twenty-one years, and may be defined as the age at which the applicant becomes an adult and voter. Some states, including California and New Hampshire have maximum age limits beyond which a person is not permitted to file for election.⁸

Second, it is generally required that he (or she) be a resident of the state and county, but the applicant must always be a citizen of the United States.

Even in the absence of constitutional or statutory provisions, citizenship is an indispensable prerequisite to the holding of the office of sheriff.

Third, the person filing for office is compelled to comply with individual state requirements which make it necessary for him to have been an inhabitant of the county, or state, for a definite period of time. Within the majority of jurisdictions, requirements range from one to several years.⁹

Some states have property requirements for eligibility. This specification is an ancient rule of eligibility for office. In the City of London the sheriff was required to be worth approximately \$50,000, which was later increased to a property equivalent of almost \$100,000. In some English shires the amount was as little as \$1,500.

Today, this requirement may necessitate proof of ownership of a stipulated amount of property and *not held in trust* by the aspirant to the position.¹⁰ Generally, however, this stipulation has largely been eliminated in the United States. It should be pointed out that this element may be in addition to, or accepted as, a bond, for the performance of duty.

There are more reasons for disqualification of a person for office, even though basic requirements have been met. Factors which bar election vary considerably from state to state. Some disqualifying factors which are applicable within most political sub-divisions are listed here. One such factor which might disqualify

a person from election is the holding of another public office. Usually, persons are ineligible for the office of sheriff if they hold any other county, state, or federal position.

If resignation from other offices can be proven as having occurred prior to filing for the office of sheriff, the ineligibility may not apply, but a time limit of non-occupancy of another office is sometimes set, and must be

⁷ *Anderson on Sheriffs*, par. 14, p. 11

⁸ National Sheriffs' Association records

⁹ This information is usually set forth in State Constitutions.

¹⁰ *Anderson on Sheriffs*

fulfilled before filing for the office of sheriff. Naturally, if resignation from another public position was *forced*, or was *requested* because of malfeasance or misfeasance, this fact in itself is usually disqualifying.¹¹

A second category of persons ineligible to hold the office of sheriff includes those who have been convicted of a felony. Some states have fewer offenses listed as being specifically disqualifying than others; however, most jurisdictions include the following law violations as being the basis for permanent ineligibility of an applicant:

1. Holders or receivers of public monies who have failed to give a proper accounting.
2. Treason or subversive affiliations.
3. Embezzlement of public funds.
4. Malfeasance or misfeasance in office.
5. Bribery or larceny.
6. Immorality, or offenses involving juveniles.

Thirdly, persons who are idiots, insane, or incapacitated physically or mentally, are considered as being ineligible to hold an office of responsibility or high trust. Most states provide for removal of a sheriff who may develop mental disorder. In some states the governor has the authority to remove a sheriff with or without a board of inquiry.

Women may legally hold the office of sheriff. Female sheriffs have efficiently served and are now serving in this capacity.

As long as all other conditions are met, both men and women are eligible and may qualify for the office. In many instances the widow of a sheriff is appointed to fill an unexpired term. In states where the sheriff is limited to a single term or tenure is limited to two or three 2-year terms, it is not uncommon for the sheriff's wife to be elected as his successor.

Mode of Selecting the Sheriff

Selection of the sheriff in the United States is accomplished by election or infrequently, by appointment.

Election is the method most commonly used, thereby making the majority of American sheriffs truly the people's choice. Essentially, the establishment of a person on public office by popular vote is traditional in America.

The method of selecting the sheriff by appointment is quite rare. According to records of the National Sheriff's Association, there are only seven appointed sheriffs in the United States. In Rhode Island, five are appointed by the governor; in New York City, the sheriff serving the five boroughs or counties is selected from the civil service rolls; the Manager of Safety and Excise in the City and County of Denver is appointed by the mayor, and is by charter designated the ex-officio sheriff and the administrative head of the police department, fire department, county jail, city jail, and license bureau. In the District of Columbia, the U. S. Marshal acts as ex-officio sheriff, performing in some of the duties, particularly civil, assigned to the sheriff's office in other jurisdictions. In 1961, the sheriff of Dade County, Fla., will be appointed under a new metropolitan form of government. It is of interest to note that the selection of the sheriff has been accomplished by different methods at different times in history.

At one time sheriffs were elected but only freeholders possessed the right of franchise. Later they were appointed by the Crown upon nomination of the Lord Chancellor, the treasurer and judges. It is evident that political pressure exerted by persons in high positions or One important new development should be with ulterior motives might influence such an described as it deals materially with the future appointment. This method of selection

¹¹ State Constitutions generally detail this authority. A disqualification may be based on case precedents which are too numerous to detail here. The local district attorney or prosecutor can usually furnish information specific to the state or county

was not a hard and fast rule since in cases of emergency the Crown could appoint a sheriff without regard to any nomination, and the king under this system, occasionally exercised the power at will.

Nomination to appointment, direct appointment, election by freeholders, and general elections were not the only means by which sheriffs were placed in office. At an early day in some counties in England the office was hereditary. The hereditary method of selecting a sheriff was discontinued early in English history

Another method of selection of the sheriff was pointed out in the manual prepared by the Pennsylvania Sheriffs' Association. This manual states: "In Pennsylvania the sheriff has been purely elective office ... since 1838. Before that the voters of the county nominated two or more candidates for sheriff, one of whom the governor designated to fill the office¹². This is an unusual method of selection, and no modern jurisdiction is known to utilize it. It is included here as historical background since other jurisdictions may have employed similar systems during early development of their governmental structures.

One important new development should be described as it deals materially with the future status of the sheriff in governmental organization.

Proposals have been made recently providing for selection of sheriffs by civil service examinations. These proposals have been vigorously urged in some metropolitan areas and pressure exerted in an effort to promote this method of selection.

Generally speaking, there are some serious objections to this procedure, and it is pertinent at this point to present some of the arguments which have been advanced both for and against appointive selection in order to prepare present and future sheriffs to cope with such a situation should it occur.

Usually, the first argument presented in favor of the method is that civil service appointment of the sheriff would assure the procurement of a person possessing higher capabilities for the job. Advocates of this viewpoint insist that an examination and a comprehensive oral interview of the candidate by a special board would guarantee a higher quality of administration. To some degree this may be true, but other more important elements should be considered in addition to the ability to hand in a well-written examination, to be physically fit, or to make a good impression during a short interview.

The second argument used by supporters of the civil service viewpoint is based upon the element of efficiency in relation to permanence of position. Adherents of the civil service mode of selection insist that if a sheriff knows he is permanently in the position, he will begin to apply himself more fully to the office than if he were elected. They also argue that a sheriff is required to expend time in convincing the public of his ability to do the job in order to insure reelection. This argument is misleading.

Elements of efficiency and ease of control of subordinate personnel under civil service are presented as being more effective.

Arguments presented against appointment in the selection of the sheriff are numerous. Only a few of the most pertinent will be detailed here.

The first argument against the appointive method becomes evident as the ramifications of the idea are analyzed. Basically, a method which results in a permanent civil service appointment removes control of overall law enforcement from the hands of the public and places it in the hands of an appointive authority. The group commonly suggested as competent to determine the qualifications of a potential sheriff is the civil service board.

In most counties, where a civil service system is in operation, the board consists of five or fewer members, and these persons are not directly accountable to the public, but are themselves appointed by a board of supervisors, a commission, or some other body. These boards are usually responsible to the county commissioners or board of supervisors which appointed them, but are not under direct scrutiny or control of the public.

¹² Sheriffs' Association of the Commonwealth of Pennsylvania, *Manual for Pennsylvania Sheriffs*, (1st Ed.; State College; Penns Valley Publishers, Inc., 1952), Chapter 1, p. 1

While county boards are generally elected, placing the power of appointment of a sheriff under a civil service commission would remove control of the sheriff's office from the will of the general public.

In America it is traditional that the power to to remove government officials is entrusted to the people. Some sheriffs have experienced difficulty in removing employee hired under civil service.¹³ The same problem may occur in instances where the sheriff holds office under civil service. It is often difficult to remove a civil service employee who is inefficient. Removal can be accomplished, but it is a time-consuming, complicated, and often expensive process.

Initiation of proceedings for removal, and subsequent enforcement of a dismissal order, would be even more difficult if the controlling official of a major department of county government were the offender. Court action would probably be necessary in addition to civil service procedures.

Another argument against selection of sheriffs by appointment is that a person who appeared to be qualified by evaluation of his record and subsequent examination and interview, might actually be a very poor sheriff and be unfitted for the job. Discovery that he was unable to cope with the problems of the position might not develop during the probation period, but once established in permanent status, evidence of inefficiency might not be a basis for his removal.

The elective system appears to be the most positive guarantee of performance.¹⁴ In all probability an inefficient sheriff would be displaced at the end of his term, and a more satisfactory individual elected to office. Through defeat at the polls, his replacement would result without any other action being necessary.

Tradition and the American way of life constitute the third argument against appointive selection of a high-ranking official. Civil service is quite effective and often does improve quality where employes are in lesser positions directly controlled and observed by an elected servant of the people. Positions of high power and authority, not under direct control of the will of the voters, can become highly dangerous to the public welfare. This is particularly true if the holder of office is unscrupulous or corrupt.

Industry has demonstrated that a person who knows that he must produce in order to retain his job is more likely to put forth additional effort in order to prove his ability. The argument that the efficiency of a worker is improved by a guarantee of permanence of position is not based on actual facts.¹⁵

Qualifications

A sheriff established in office by law must have fulfilled and complied with certain prerequisites. Qualifications vary from state to state; however, there are at least three basic things which he must have accomplished to validate his office.

First, he is generally, but not always, required to present a certificate of election to the governor of his state. Upon presentation of this certificate, most state governors issue a commission authorizing the sheriff to hold office for a specific term set forth by statute, and direct him to perform his designated duties. In most instances, it is not absolutely necessary for the sheriff to receive a commission from the governor unless it is so prescribed in the state constitution.¹⁶

All states require that the sheriff execute a bond¹⁷ as a guarantee of satisfactory performance of duty. This bond varies widely in the amount required from rather small sums to very large figures. Some states specify definite amounts of money required to be posted, based on population or class of county.¹⁸

¹³ N.S.A. Survey

¹⁴ *Anderson on Sheriffs*

¹⁵ Alexander Heron, *Why Men Work*, Stanford University Press 1943.

¹⁶ Procedure varies from area to area. It is suggested that the reader consult local legal authorities for clarification.

¹⁷ *Anderson on Sheriffs*, pp. 14, 38, 41.

Sheriffs who are ex-officio county treasurers or tax collectors are bonded in an amount commensurate with the amount of public funds handled in connection with their dual duties. The bond is no personal protection to the sheriff. The sheriff's bond is protection to the county or citizens of the county against any wrongdoing or lack of performance by the sheriff. The sheriff may be sued personally for failure to perform his duties, or misdeeds in performance of duties.

The second qualification for legal occupation of the office is a requirement that the sheriff must take the oath of office before he assumes the position. Form of the oath is almost universal, but the exact wording may vary from state to state.

Generally the oath requires the sheriff to affirm his support of the Constitution of the United States; to state that he is not a subversive and that he has never been affiliated with subversive organization; and, finally, that he will faithfully discharge all duties of the office to the best of his abilities.

It is well known that oaths of one sort or another have been required of most public office-holders since ancient times. Anderson describes the transition, even though not the exact date, when oaths, as we know them, became necessary. He writes, ". . . (the sheriff) . . . within the preceding year, (to) have partaken of Sacrament within the National Church, but this requirement was later discarded and there was substituted in its place the exaction that the appointee take an oath that was regarded as of equal binding effect as the eucharistic qualification."¹⁹

The requirement that the sheriff must take a specified oath is the foundation of the sworn duty of the officer. Likewise, oaths establish that the sheriff in his office of trust has a definite and irrevocable obligation to the people. The fact that oaths are often administered by a judge of a superior court accords higher importance and dignity to the ceremony.

The subject of lesser departmental officials will be discussed in subsequent sections, but it is well to note here that all deputies are required to meet most of the qualifications of the sheriff. The one requirement, which must always be fulfilled by the sheriff and the deputy alike, is the taking of the oath of office. The context of the oath is usually identical in both cases.

Personal Attributes

lined by statute or common law should be considered in evaluating the elements which contribute to an outstanding administration. Without being set up by law, the personal attributes of a sheriff can mean the difference between a mediocre and an efficient officer.

A sheriff could be without one or more of the following qualities, but the lack of all would make it a certainty that he would do well to seek employment other than in law enforcement.

The office-holder must have an unimpeachable character—a character so strong as to make him completely resistant to outside influences and political pressures. He must conduct his administration so as to instill trust and confidence in the minds of those who placed him in office.

He should be endowed with an acute and deeply penetrating perception to enable him to make rapid evaluation of any situation which might affect the public welfare.

He should have astute and sound judgment. He should not be swayed by individual arguments, but should base his actions upon complete consideration of all aspects of the problem.

Term and Tenure of Office

Official terms of sheriffs in the United States vary from two to six years. In sixteen states, the term is two years; in New York and New Jersey it is three years; in twenty-nine states it is four years, and in one state, Massachusetts, it is six years.

¹⁸ Pennsylvania

¹⁹ *Anderson on Sheriffs*, p. 8.

Sheriffs in thirty-eight states enjoy unlimited tenure and may be reelected to term after term depending upon the will of the electorate.

Sheriffs in ten states are limited in the number of successive terms they may serve.

In recent years, sheriffs' tenure restrictions have been altered or completely lifted in the following states: Alabama, Indiana, Maryland, Missouri, New Jersey, New York, North Dakota, Pennsylvania, South Dakota and Washington.

Several other states are currently attempting to make changes in tenure and term restrictions.

In order to clarify any misconception concerning the difference between the words, tenure and term, Webster defines tenure as "the right of holding ... or the period for which anything is had or enjoyed." He defines term as a "limited or definite extent of time."

More than 25 percent of all sheriffs in the United States have been in office ten years or more. In Massachusetts, where the sheriff has a six-year term, seventy-one percent of the sheriffs have held office for more than a decade. In the states with four-year terms, nearly 35 percent of the sheriffs have served ten or more consecutive years. The average drops to a little more than 25 percent in the few states which still limit the term of the sheriff to two years.

These figures are low if taken as an indication of the reelection probabilities since they do not include the number who died in office, resigned, or declined renomination.

Limited tenure currently exists in ten states. Illinois, Kentucky, Mississippi and West Virginia have a single four-year term. In Kentucky, Mississippi and West Virginia the sheriffs are ex-officio county treasurers or collectors. In some Illinois counties the sheriffs serve as tax collectors.

Delaware has a single two-year term. Kansas, New Mexico and Wisconsin limit the sheriffs to two two-year terms. Tennessee's limit is three two-year terms, and Indiana two four-year terms.

In all other states the tenure, or number of terms which may be served successively, are unlimited. (See Chart on Pages 41-42)

In America today, as it was in ancient England, the sheriff continues to serve until his successor has been appointed by qualified authority, or is duly elected and qualifies for office. There are some cases in the United States wherein a sheriff may continue his term without reelection. Conditions to such an extension may be caused by the death of the newly-elected officer, or the resignation of an incoming official before he has completed qualification.

Sheriffs in the United States are not compelled to serve as they were during earlier days where a money or property forfeiture ensued if they vacated prior to the end of their term or appointment.²⁰

In America, most sheriffs seek the office rather than have the office seek them. When the office has been attained, controls over the sheriff's official actions are in force. Resignation, removal, or death does not free an elected official from liabilities of the office incurred during tenure.

Sheriffs' Terms and Tenure of Office

6-Year Term, Unlimited Tenure		3-year Term, Unlimited Tenure	
State	# Sheriffs	State	# Sheriffs
Massachusetts	14	New Jersey	21
		New York	58

²⁰ *Anderson on Sheriffs*. Bacon's Abridgement, 662. 40

4-Year Term, Unlimited Tenure			
State	# Sheriffs	State	# Sheriffs
Alabama	67	Nevada	17
California	58	North Carolina	100
Colorado	63	Ohio	88
Connecticut	8	Oregon	36
Florida	67	Pennsylvania	67
Georgia	159	South Carolina	46
Iowa	99	Texas	254
Louisiana	64	Utah	29
Maryland	23	Virginia	98
Minnesota	87	Washington	39
Montana	115	Wyoming	23
Nebraska	56		

2-Year Term, Unlimited Tenure			
State	# Sheriffs	State	# Sheriffs
Arizona	14	North Dakota	53
Arkansas	75	Oklahoma	77
Idaho	44	Rhode Island (appointed)	5
Maine	16	South Dakota	64
Michigan	83	Vermont	14
New Hampshire	10		

4-Year Term, Two Term Limit		2-year Term, Three Term Limit	
State	# Sheriffs	State	# Sheriffs
Indiana	92	Tennessee	95

4-Year Term, One Term Limit			
State	# Sheriffs	State	# Sheriffs
Illinois	100	Mississippi	82
Kentucky	120	West Virginia	52

2-Year Term, Two Term Limit		2-Year Term, One Term Limit	
State	# Sheriffs	State	# Sheriffs
Kansas	105	Delaware	3
New Mexico	32		
Wisconsin	71		

Only one state, Massachusetts, has a six-year term of office for sheriff.

24 states with 1,756 counties or parishes offer the sheriff a four-year term of office with unlimited tenure.

Indiana's 92 sheriffs enjoy a four-year term but are limited to two terms of office.

4 states with 359 sheriffs (Illinois, Kentucky, Mississippi and West Virginia) offer the sheriff a four-year term but tenure is limited to a single term.

2,210 of the 3,061 sheriffs in the United States serve four-year terms of office.

CHAPTER III

VACANCY IN THE OFFICE OF SHERIFF

Vacancy in the office of sheriff may result from :

1. Death
2. Resignation
3. Removal from office
4. Failure of a newly-elected sheriff to qualify

The method of selecting a sheriff to fill a vacancy varies from state to state. In some states, the governor appoints the new sheriff. In others, the board of county commissioners or a committee designated by statute makes the appointment. Few states require the appointed successor to be of the same political persuasion as the predecessor.²¹ Some states require a special election.

Who fills the office of sheriff until a duly qualified successor is named?

In about a third of the states, the coroner legally assumes the duties of sheriff, and serves until a new sheriff is appointed or elected.

In some states, it is customary, and in a few compulsory, that the chief deputy or under-sheriff serve until an official appointment is made by the proper authority.

A well-organized staff should have qualified personnel which will function in an emergency.

A problem which may result from vacancy in the sheriff's office is the manner of disposition of funds under the sheriff's control. This includes the transfer, disbursement or collection of funds officially entrusted to the sheriff. Bonding requirements of the state or county define the procedures.

Notice of resignation usually must be filed with the local county governing board, and in some cases with state authorities. Resignations must be accepted by these authorities before becoming valid. Acceptance authorizes the sheriff to discontinue his duties, and relieves him of his responsibilities.

As indicated at the beginning of this chapter, the sheriff's office may be vacated because of a number of reasons, the most common of which is death-natural, accidental, or in line of duty.

According to statistics compiled by the National Sheriffs' Association, 90 per cent of sheriffs and deputies who meet violent death are vehicular casualties. More than 70 per cent of the sheriffs and deputies who die of natural causes are victims of heart disease.

Vacancy may also be a result of resignation. Principal reasons for voluntary relinquishment of the office are:

1. Health
2. Low Income
3. Political Advancement
4. Official Request

The office is difficult and strenuous and, therefore, the most common cause of resignation is health.

Hours are irregular. Meal schedules are frequently disrupted. Pursuit of duty in all types of weather precludes the wearing of proper clothing at times. Many sheriffs' offices are located in poorly-ventilated, damp basements of court houses.

Health and welfare of a sheriff's family may be an additional reason for resignation. In many states the sheriff is required to live in the county jail.²² A jail is not the most healthy climate-mentally, morally or physically-in which to rear children.

²¹ National Sheriffs' Association files. 43

²² In Kentucky, county jailers are elected to office. Jefferson County (Louisville) is the exception.

Remuneration

Some jurisdictions have adopted pension programs to provide for sheriffs and deputies forced to vacate the office because of duty-connected physical reasons. Generally, a minimum number of years of service is required for eligibility for a pension.

Sheriffs and their deputies are generally underpaid. The hazards of the office are incalculable. Responsibilities of the sheriff are greater and more numerous than those of any other member of the "courthouse family." A survey of sheriffs' salaries made by the National Sheriffs' Association revealed that in some counties the salary of the sheriff is as low as \$1,500 a year. The maximum salary figure was \$25,000 a year (1959).

In some states and counties, the sheriff's remuneration is dependent partially or entirely upon fees collected by the office. Practically every service of the sheriff entails a fee for an official act or service. In civil cases, the litigants pay; in criminal cases, the state pays. If the sheriff is paid a stipulated salary, fees collected by his office are deposited in the county's general revenue account.

Additional Duties

There are a few states in which all or some of the sheriffs are ex-officio county or parish tax collectors or treasurers. There is no statutory uniformity of sheriffs' maximum or minimum earnings in these states.

In Mississippi, the sheriff is ex-officio tax collector, and receives a percentage on all taxes collected. There is no limit to his personal income. He does, however, pay all of the expenses of his office, including deputy hire, from his personal funds.

Louisiana sheriffs also serve as tax collectors. They, too, receive a percentage on tax collections but the earnings are credited to a "Sheriff's Salary Fund." The sheriff's salary for each parish is designated by statute. The operational costs of the office, including deputy hire, are paid from the "Salary Fund." Should the amount of sheriffs' fees exceed the cost of operation of the office, the surplus is paid to the state or the parish. If the fees are not sufficient for operational expenses, the sheriff makes up the deficit.

The number of sheriffs dependent solely upon fees for remuneration is decreasing every year.

Many underpaid sheriffs are forced to engage in additional occupations to provide adequately for their families. Some county commissioners, in denying a justifiable salary to a sheriff, contend that the sheriff is usually provided a rent-free residence (in the jail), occasionally an automobile, and free board (the same meals served prisoners).

Based upon the annual number of resignations of sheriffs, it may be assumed that many candidates were not fully aware of the low income of the office. Requests for donations to charities, churches, "advertising," political organizations, etc., are numerous. Every public official is familiar with these pleas made almost daily.

A good system has been developed by some county officials. At an annual meeting, they each contribute to a general charity or "donation" fund. Contributions vary according to the salaries of the officials. A screening committee is appointed to study all requests for advertising and donations. If approved, a check is issued by the committee. This has saved time and money for the office-holder.

Two other causes for resignation are very frequent. The first is allied to meager salaries paid sheriffs. An ambitious, young and capable sheriff is quickly recognized. He receives offers from federal law enforcement agencies, railway protective departments and, in recent years particularly, private industries seeking qualified men to head their plant protection departments. Another reason for resignation may be the political advancement of the sheriff. A number of sheriffs have resigned to take positions as superintendents of state police or highway patrol departments, or as U. S. Marshals.

Removal From Office

There is always the possibility that a sheriff may be requested to resign. This could come from a variety of reasons. He could be found incompetent. There might be political reasons. He might be adjudged mentally incompetent. He could be found guilty of malfeasance or misfeasance, and requested to vacate the office. Removal from office for these causes is rare, but has occurred.

Some states provide for a sheriff's removal from office if he is absent for a definite period of time specified by law. Illness is not considered as absence. Removal of a sheriff for malfeasance is set forth by law in most states. Generally, removal is specified if the sheriff is found to be involved in any criminal activity. Conviction of a felony usually forces removal.

States may specify particular offenses which make mandatory the removal of the sheriff. Some of these are embezzlement of public funds, absconding, misappropriation, acceptance of bribes and misuse of the office for personal gain. Crimes involving violation of public morals, sex deviations, or molestation of juveniles, are usually included as causes for immediate dismissal of the office-holder.

Failure of a sheriff to make lawful reports to proper officials, supported by affidavit, may be cause for removal in some states.

A sheriff-elect should familiarize himself with all the lawful procedures and requirements of the office.

Primarily, the public retains the right to dismiss any public official for cause. Proper procedures are usually specified in the State Constitution. States wherein the laws are codified have these procedures listed.

Qualification Factors

The removal of a sheriff from office may result from an unintended act in violation of administrative statutes. A sheriff, through oversight or unintentional disregard of some section of a law, may overlook a requirement which he has not fulfilled. These inadvertences may not be discovered until the sheriff has already served part of his term.

It is true that attempts to remove a sheriff from office may be instituted because of no fault of his own but due to the negligence or oversight of some other county officer. Most of these situations are technical and can be satisfactorily resolved through court action.

Refusal to take oath of office may permanently bar an individual from holding the office of sheriff. Sheriffs have refused to do certain things, and have not become punishable because of such refusal, depending on the circumstances and liability under their bonds.

Bonds

A sheriff must post a bond to assure "faithful performance of duty." In event a sheriff's surety bond is cancelled, many states provide for the prompt removal of the sheriff.

In event a sheriff-elect fails to provide a proper and sufficient bond prior to taking office, occupancy will be denied him until bond is perfected. In the meantime, the incumbent will continue to serve. Should surety bond not be perfected by the sheriff-elect within a reasonable period of time, a new sheriff may be appointed, or elected at the next special or regular election.

Sheriffs in some states may voluntarily relinquish their offices for variable periods of time. Temporary official leave of absence has been granted in instances where the sheriff has been accused of a crime. It may be to his advantage to disassociate himself from the office in order to prepare an adequate defense. In the event of acquittal or withdrawal of criminal charges, the sheriff resumes his official duties.

A sheriff may be temporarily suspended from office in some states by either the governor or the county's administrative body. This action usually follows the filing of charges against a sheriff or in instances of pending recall action.

A sheriff may be relieved of some of his duties in certain states which provide for the appointment of an *elisor*²³ by a judge of competent jurisdiction.

Appointment of an *elisor* is very infrequent and usually results from political differences, or in counties in which the sheriff may become subject to grand jury investigation and he selects the grand jury.

States provide different methods of selecting citizens to serve on a grand jury. In cases where the sheriff ordinarily names the grand jury, the court authorizing the grand jury, whether regular or special, may disqualify the sheriff and even disqualify the coroner from making the selection. In these instances, the judge appoints an *elisor*, an elector, who makes the selection.

Recall

Recall of a public official is an inherent right of the American people. It applies to appointed as well as elected officials.

The use of recall as a method of removal from office is based upon inefficiency, corruption, mis-feasance or malfeasance in office, and is initiated by petition of the voters. Presentation of a legal petition to the authority designated by law initiates the recall action. The sheriff can be removed from office if the complaint is justified.

In nearly every state, the sheriff has a right to a public hearing before being removed from office as a result of a recall petition. Hearing procedures vary. The decision may be made by a state governor, a judge of competent jurisdiction, or a trial by jury. In Florida, the final decision as to removal is made by the State Senate, following suspension by the governor.

A matter of prime importance is the official relationship between the sheriff and his deputies.

A sheriff may be removed because of misconduct on the part of a deputy if he aided or abetted the subordinate's illegal act. Generally, the sheriff may not be removed for misdeeds of a deputy unless it is proved he had full knowledge of the deputy's transgressions.²⁴

Status of Deputy

A deputy sheriff is generally considered to be the sheriff's representative or agent. It does not necessarily follow that every act of the deputy results from a personal, direct order of the sheriff. Deputies were originally commissioned as such because the sheriff believed them to have the ability and common sense which should go with their position.

In civil cases, the sheriff usually shares responsibility with the deputy for errors of omission or commission.

The sheriff's position is in jeopardy if any of the following civil obligations are not legally discharged:

1. Failure to advertise sales.
2. Failure to execute writs.
3. Illegal disbursement of funds.
4. Improper protection of attached property.

CHAPTER IV

DUTIES AND RESPONSIBILITIES OF THE SHERIFF

Power and Authority of the Sheriff

²³ "Elisor" Webster- "An elector; a person appointed by a court to return a jury; serve a writ, or perform other duties of the sheriff or coroner in case of disqualification."

²⁴ *Anderson on Sheriffs*.

In every nation, and under every system of government which recognizes law as the supreme control of individual action, it has been found necessary to vest in one person the power to preserve the peace without interference. This person in the United States is the Sheriff. His power, during times of emergency, is absolute. It is not subject to the direction of others within his jurisdiction, and his decisions can have far-reaching results. His actions may have an effect upon any or all citizens of the county.

Because of the tremendous power and authority vested in the office, American jurisdictions have instituted control by providing statutory safeguards.

In England, these controls were initiated early in history through designation of requirements for aspirants to the position. Many of the duties of the sheriff in England were established by legislation passed after the people's right of election was confirmed by King Edward in the thirteenth century.

These statutes established areas termed *sheriffdoms*, and the candidate for sheriff was required to have spent a specified period of time serving in a capacity similar to our American attorneys before he was eligible to be elected or appointed. The stipulation authorizing the sheriffs' eligibility for the office was verified by records proving the applicant to have the required degree of character and ability.

The very title of the position carries with it in America all of the common-law powers and duties, except as modified by individual state laws. It is not only the power but the duty of a sheriff to preserve the peace, enforce all laws, and arrest and commit all violators of the law.²⁵

It is the duty of the sheriff to carry out mandates and execute all processes given him, and to preserve the peace and tranquility of the court. He is bound to respond to, follow out, and enforce all orders and directives of the court. As principal guardian of the peace within the county, he must suppress vice, crime, and other evil conditions.

The sheriff sometimes directs a civil defense establishment, a rehabilitation center, a clinic, or a juvenile bureau to fulfill specialized requirements.

These are part of the sheriff's activities in connection with the prevention of crime, as well as planning to minimize panic, destruction, or loss of life during any emergency or disaster. Civil Defense planning of this type usually is confined to disasters which may occur within the sheriffs jurisdiction, but may also be in support of federal or state authority during any emergency, local, statewide, or national.

The sheriff and his staff are the first to be involved in case of war, flood, explosion, or any disaster occurring in his jurisdiction. In his capacity as chief law enforcement officer, it is his duty to take command in any dangerous situation.

The responsibilities of the sheriff are, in many instances, governed by the official himself. Minimum requirements have generally been established, but there are few limitations upon the ultimate extent to which he may go when operating under disaster conditions. In case of unusual danger, the exercise of the sheriff's discretion is unlimited.

In the county, the sheriff is charged with the protection of all citizens of the area, *including those within municipalities*. The only difference between city police and the sheriff's department lies in the scope of action of the unit.

The sheriff is required to protect the person, property, health, and morals of every citizen in the county, and these rights and possessions must not only be protected, they must be made continuously safe. The sheriff shares his responsibilities with both state and local officers who operate within his county, but this does not, in any degree, remove overall responsibility from him. The sheriff, almost universally, is empowered to correct any unlawful situation in his county whether it occurs in a municipality or in an unincorporated area.

²⁵ *Anderson on Sheriffs*. NOTE: The word law, as used here, refers to either statutory or common law.

Any condition detrimental to the public welfare in a local municipality may not be overlooked. The problem is not the exclusive responsibility of the municipality concerned. The sheriff *must* correct these conditions, even if it causes antagonism and resistance by city officers. The duties and responsibilities of the sheriff are sufficiently difficult without engendering antagonism between other officers and the sheriff's office. Difficulties generally occur at the personality level.

In an address to the National Sheriffs' Association in 1957, Harold S. Zeis, Superintendent of the Indiana State Police, and a former sheriff, said: "There is no room in policing for petty jealousy, intradepartmental quarreling, and doubts and suspicions. When differences do exist, their solution should be strictly a top level problem and not to be haggled by patrolmen, deputies or troopers."

Supervision of the Office of Sheriff

Sheriffs of the United States, generally, are responsible only to the electors, the courts, or governors, for their actions. Some sheriffs may be responsible to local officials for their budgets.

There can be no inflexible budget for the operation of a sheriff's office. Disasters may require increased paid personnel, equipment, and other unforeseen expenses.

In 1952, The Honorable John Foote, District Attorney of Columbia county, Oregon, told the sheriffs of that state: "The principal functions of every county government are the protection of society, the enforcement of law, and punishment of criminals. These are the highest and most pressing duties which the law imposes upon counties or county authorities, and any expense necessary to punish criminals and bring the guilty to justice is an expense imposed upon the county by law. It is a duty that admits of no volition. The authorities cannot avoid it if they would; they should not if they could. In all expenditures for the punishment of crime the real question is, are they necessary in order to secure the enforcement of the criminal laws? If they are, then a duty exists to make the expenditure, and it may be said to be involuntary in the sense that it is not an expense sought and incurred as the result of deliberate bargain, but arises from the necessity of enforcing the law."

The sheriff may hire, discharge, or reassign personnel, even though his county operates under a civil service system. He still retains control over his employes. Civil service may set up eligible lists from which a new employee may be chosen, but, beyond this limitation, the sheriff retains and exercises complete operating authority.

A few county governments in the United States have full authority to pass enabling ordinances which affect operation of all phases of the local area. As self-governing units, these counties have a measure of direct control over the sheriff's actions through enactment of ordinances.

At the same time, the sheriff must enforce laws which originate at state level, and such legislation cannot be modified by local authority. Obviously, confusion would result if state laws and local ordinances were in conflict.

In California, authority of the local government to pass enabling ordinances is dependent upon the charter of the county. Many California counties, and counties in other states, have the authority to adopt ordinances which may affect the sheriff.

In some states, the governor is empowered to take action against a county official for dereliction of duty. This action may be initiated by petition of an individual or a group, or based upon reliable information concerning unsavory conditions within a county. Limitations on the extent of the governor's control over county officers, including sheriffs, are usually defined in state constitutions.

The state constitution usually specifies that state officials may not interfere in county affairs unless the local officials are criminally involved, are neglecting their duties, or acting in a manner which may endanger the public welfare. It is generally accepted that state officials will not act, or charges of malfeasance will not be instituted, unless the local government has taken no corrective action after official warning.

One element of interest to all law enforcement officials concerns the obtaining of assistance during an emergency. In most states, the sheriff is required to assist the governor when requested, and the governor, in turn, usually assists the sheriff when an appeal is made or when the need is demonstrated.

Most governors assist in controlling local situations which may be beyond the capability of the sheriff to handle or suppress. This is usually done by ordering state militia to the scene. Emergencies may generally be divided into three primary types: first, acts of individuals against the public welfare; second, natural disasters, accidents, and epidemics; and third, riots, war, insurrection, or invasion.

Generally speaking, assistance rendered by the state authority is given only while the situation is out of control. Once order has been re-established in the area and the sheriff is able to cope with the problem, the state withdraws its aid.

In some areas, sheriffs have banded together to form mutual assistance arrangements. Mutual aid pacts lessen the need for an appeal to the Governor for help, thereby permitting the sheriffs to retain complete control at the local level.

Ministerial Functions of the Sheriff

In his basic job as chief law enforcement officer of the county, the sheriff's ministerial duties are many and varied. In regard to regulations, statutes, and practices which govern his actions, many ministerial functions required of the sheriff originated during ancient times. These duties have been steadily increasing during the past hundred years.

Foremost among his duties are:

1. Apprehension and detention of law violators, prevention and suppression of crime, and maintenance of the peace.
2. Administration and maintenance of the county jail.
3. Services to the courts by providing bailiffs, summoning juries, and execution of court writs and orders, both criminal and civil.
4. In nearly all states, the sheriff is the official custodian of the county courthouse. In these states, the sheriff has the authority to rule on requests for meetings in the courthouse. He is frequently charged with the employment of courthouse janitors, yardmen, etc.

There is no uniformity in the sheriffs' duties and responsibilities throughout the fifty states. As a matter of fact, their responsibilities and duties vary within a single state.

Sheriffs in many metropolitan areas, such as the sheriff of the five boroughs or counties comprising the City of New York, and the sheriffs of the City and County of San Francisco, and the City of St. Louis, serve principally as court officers, process servers and custodial officers. Actual police work is performed by metropolitan policed departments of these cities.²⁶

This transition, however, does not mean that the sheriffs have been legally or constitutionally stripped of their original authority and power in these areas.

The Sheriff's Criminal Function

Historically, and in actual practice, the duty of the sheriff in relation to crime or crime prevention originated in regulations set forth by the early English kings. The suppression and control of crime originated in two primary regulations outlining the duty of police officials. The sheriff was required to bring violators before the king, and

²⁶ Orleans parish, La., has two sheriffs – one criminal and another civil. Both are elected. The corporate limits of the City of New Orleans and the Parish of Orleans are contiguous. The civil sheriff performs such duties as the title would imply. The criminal sheriff is in charge of the parish jail.

was charged with preserving the peace. The first requirement is the basis of the police officer's power to arrest. The second is his authority to take immediate action where any person, group, or situation places the public welfare in jeopardy.

Another important legal obligation of a sheriff is arrangement for the prompt hearing of an accused person before a competent committing magistrate.

The sheriff is charged with the prevention and suppression of any public disorder whether it involves one or more persons. Preservation of the public peace was recognized as an essential by English kings of old. Sheriffs were empowered by the crown to command the aid of as many male inhabitants of his shire (county) as deemed necessary to maintain peace and order.

This authority, vested only in the sheriff, is termed *posse comitatus*, or *power of the county*. Historically, the authority of the sheriff to exercise the power of *posse comitatus* was defined by King Henry V.

In our era, the sheriff of populous counties is rarely required to exercise this authority as he has a sufficiently large, paid staff and unpaid special deputies or posse members, available to carry out the duties.

The sheriff of a small rural area has fewer deputies and may sometimes find it necessary to exercise the power of *posse comitatus*.

The sheriff, regardless of the size of his staff or his area of responsibility, still retains the power and full authority to command male inhabitants to assist him when needed. A competent male citizen who refuses to assist the sheriff is subject to strict penalties.

Within the past quarter-century there has been a revival of the old sheriff's mounted posse. These were formed by ardent horsemen who wished to preserve some of the traditions of the early West. Organized primarily as social groups, sheriffs quickly learned that the horsemen could be of great service in conducting searches for fugitives or lost persons in areas not accessible by automobile.

Since the end of World War II there has been a great increase in the number of privately-owned airplanes. This has encouraged the formation of hundreds of flying posses throughout the country. These posses have placed their services at the disposal of the sheriffs for emergency duty in the same way as the mounted posses. The value of planes in law enforcement work has been so forcefully demonstrated as to justify many counties purchasing aircraft for the exclusive use of the sheriff's office.

Many sheriffs have organized water posses. Members own their own boats, and volunteer duty in patrolling rivers and lakes in assisting water-accident victims. Some sheriffs have carried this further by organizing underwater units. These units consist of members of "skin-diving" or "aqua-lung" clubs, or may be specially trained deputies.

Generally, members of a posse serve as a public duty, without recompense. Some states have written into their statutes a provision making it compulsory for able-bodied male citizens to serve without pay. The sheriff should realize that the power of *posse comitatus* can be of great assistance.

No military arm of government, state or federal, may be used to suppress civil disorder until the sheriff has exhausted his resources in an effort to maintain peace. The sheriff may obtain the services of the state militia or national guard by requesting the aid of these forces from the governor.

Members of the federal military services are prohibited by law from joining a sheriff's posse. Quoting the law: "It shall not be lawful to employ any part of the Army of the U. S. as a *posse comitatus* for the purpose of executing the law, except in such cases specifically authorized by the Constitution or by Act of Congress.

"Any person willfully violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding 810,000, or imprisonment not exceeding two years, or by both such fine and imprisonment."

Reverting to the definition of *posse comitatus*, it is clear that the Army and its members may not be considered a part of the emergency power of the community. The law prohibits the Army from becoming a part of a community's law enforcement agencies.

Criminal Specialization

The responsibility of the sheriff and the organization of his office have been subject to continuous changes. Methods of detection and prevention of crime have changed. This is particularly true in metropolitan counties. Originally, deputies were assigned to a variety of general law enforcement duties. This condition still exists in sparsely populated counties where the staff is small.

Sheriffs in large counties frequently assign one or more deputies to investigative work pertaining to a single type of crime such as homicide, robbery, bunco, etc. Many sheriffs periodically reassign personnel to other duties to develop more generalized training.

Most laboratory work, including ballistics, lie detection, fingerprinting, breath-testing and photography, require special training.

Departments with few deputies generally discover that non-specialization tends to improve the deputies' overall value to the sheriff.

Specializations of criminal duty may include the following:

1. Investigators specially trained in the accumulation of evidence in a specific type of crime.
2. Investigators who specialize in minor crimes.
3. Deputies trained in handling juveniles and the solution of juvenile crimes.
4. Highly trained officers in specializations such as technical or scientific crime investigation, laboratory work, communications or statistics and research.
5. Special female divisions or units (often related to juvenile work), such as matrons, jail custodians, or investigators.
6. Handling of traffic, accident investigations, safety, and related duties.

Few sheriffs' departments in the United States have found it feasible to specialize all six of the categories mentioned.

The sheriff should assign as many deputies as possible to the road patrol section. General policing of the entire county, particularly in rural or unincorporated areas, is the important responsibility of the sheriff.

Men assigned to road patrol duty, if correctly trained, are usually possessed of a general knowledge of criminal investigative work. Patrol is generalized in scope and the adept patrolman either knows or quickly learns the procedures to be followed in the investigation of man), types of crime.

The Sheriff's Custodial Function

Most jurisdictions charge the sheriff with maintenance, operation and administration of jails, rehabilitation units, and work fanns, if the latter two are feasible. Principal responsibilities of the sheriff as the county's chief custodial officer include:

1. Security and safety of inmates.
2. Protection of inmates' personal property and money.
3. Provision of adequate and wholesome food.
4. Protection of the health, welfare, and morale of inmates.
5. Maintenance of complete records.

There are approximately 3,000 county and parish jails in the United States. Most of these are operated under the direct supervision and control of the sheriff. They range in housing from an average of 3 to 3,000 prisoners per day.

This manual will not attempt to define approved and modern methods of jail management and administration. These subjects are well-covered in "Jail Administration," an operational jail manual by Myrl E. Alexander, Assistant Director of the Federal Bureau of Prisons,²⁷ and "The Modern Jail" by Roy Casey, former federal jail inspector and past president of the National Jail Association. He is presently Executive Secretary of the Association.²⁸

The county jail is primarily a temporary place of detention for accused persons awaiting trial. They are confined for failure to post a bail bond, or because the offense alleged to have been committed is not bailable. Since the accused is presumed to be innocent until proven guilty, the custodial officer has a definite responsibility to the inmate awaiting trial. The sheriff must produce the accused in court for trial and sentencing.

The jail is also used as the institution in which persons convicted of misdemeanors serve their time.²⁹ In California, offenses commonly called "wobblers" make it possible to confine certain felony offenders up to a year in jail as a condition of probation.

Lack of adequate county facilities often occasions the detention of juveniles and the mentally ill in the county jail. Detention of these two groups in the county jail is gradually being eliminated by the provision of proper juvenile houses of detention and hospital facilities for the mentally ill.

Another type of jail inmate is the material witness who is held for his own safety. Few jails have proper facilities for sheltering and protecting the important material witness.

Enforced idleness of county jail prisoners who are serving a sentence is a problem to sheriffs. Many counties have acquired rural acreage for prisoners' work farms.

Three states³⁰ have enacted a work law, commonly termed the "Huber Plan,"³¹ which permits county jail prisoners who are "serving time" to work at their regular places of occupation by day, but sleep in the jail. Their earnings are paid to the sheriff who, in turn, apportions it to the prisoner's family, to the county for jail board, and to the prisoner for tobacco, etc. In some states, the courts or the sheriff have authority to reduce a jail prisoner's sentence by allowing for "good behavior," "work time," or "blood donation."

Many states have laws which provide for official examination of jails. These examinations are made by:

1. Grand juries
2. State Jail Inspectors
3. Court-appointed committees

County jails used by the federal government are subject to constant inspection by representatives of the U. S. Bureau of Prisons. Of the three state and county inspection groups named above, only the state jail inspector has authority to condemn a jail or to enforce compliance with state laws or jail codes. Ignorance of a state's jail laws is no lawful excuse for a sheriff who is charged with faulty jail management.

Some metropolitan county jails house more prisoners than state penitentiaries. In institutions of this size, the sheriff has a specialized custodial staff which may operate separately from other departments of the sheriff's office.

In small counties, the sheriff personally directs operation of the jail. His responsibility for the jail on a round-the-clock basis is supported by laws in some states which compel the county to provide a residence for the sheriff within the jail building. In these instances, unless the state has anti-nepotism laws, the sheriff's wife usually serves as jail matron and occasionally as jail cook (many times without remuneration).

²⁷ Publisher, Charles C. Thomas; Springfield, Ill.

²⁸ Publisher, Continental Press, Keene, Texas.

²⁹ Usually limited to one year or less

³⁰ Wisconsin, Minnesota, California

³¹ Originally adopted in Wisconsin in 1913

Deputies in small counties frequently serve as jailers, guards, or turnkeys in addition to their other duties. This practice, however, is gradually being discontinued since jail work is becoming recognized as a specialized department of the sheriff's office. Training for custodial work is now provided through jail institutes conducted by the Federal Bureau of Prisons and state jail inspection departments. The Bureau of Prisons also offers free extension courses for jailers and guards.

The Sheriff's Function in Civil Process and Procedure

A large share of the sheriff's duties and responsibilities involves civil work. It is an extremely complex and involved function encompassing many problems. Nearly all of the sheriff's civil functions are directly governed by statutes or orders of the court. Duties include taking, safeguarding, and delivering property repossessed pursuant to a court order; family differences, such as property settlements and the custody of children; attachments of property or salary to satisfy judgments; sheriffs' sales; service of all types of processes, notices, writs or other orders of a court; the making of returns on all papers, including subpoenas, notices, execution on judgments, attachments, etc., and, maintenance of complete, comprehensive, and accurate records of all actions.

The sheriff is subject to penalty for failure to perform any part of his civil function.³² Most states detail the requirements which must be met by the sheriff, and specify the minimum type of records which must be kept on all civil actions.

Generally, he must record the following information in reference to every civil paper handled by himself or his deputies :

1. The year, month, day, hour and minute of delivery to him.
2. Similar information in regard to time of release to the person delivering or serving the paper.
3. Data concerning fees, with information as to when and where paid and amounts collected.
4. Accurate recording of the final certification, showing names of the parties involved, title of the paper, time received, time served, and time returned.

The sheriff is usually required to produce on demand a complete chronological record concerning his handling of a particular paper, writ, or process. This record must be maintained from the time of initial receipt of the item, and does not end until final return of the paper is made to the court of origin.

Civil process is closely related to administration. Many civil requirements are strictly administrative. In other instances, physical service of the paper is the major factor.

Civil functions are probably the most complicated of all the sheriff's duties. The officer required to handle civil matters should consult all available texts, codes, literature, or other authorities relative to his particular jurisdictions.

Handling civil process and procedure is a specialized operation, and most sheriffs, even in small areas, often designate one or more specially trained deputies to handle civil matters exclusively.

Sometimes the job of keeping records is handled by one deputy, while another handles service. The sheriff should keep in mind the wide divergence of action in handling criminal and civil matters. It is often difficult for a single deputy to pursue both activities at the same time with efficiency and dispatch, especially if the civil case load is heavy.

³² An analysis of suits filed against sheriffs and deputies from 1952 to 1957 shows that a big majority of actions resulted from faulty paper service, attachments, replevins, etc. Responsibility for the service of faulty writs varies. In some states, the sheriff is held blameless if he serves a faulty court writ. In other states, the sheriff and his deputies are personally liable. Doubt of the legality of a writ should be resolved by the sheriff's attorney before service is made. In many counties, the county attorney is the ex-officio legal adviser to the sheriff.

A few sheriff's departments are exclusively civil. Others may handle both criminal and civil work. Others may be required to perform widely diversified duties in criminal, civil, and custodial fields. Some departments have developed special units to handle problems of the court, expedite assignment of bailiffs, service of papers, and related matters.

The degree of specialization in any sheriff's office should be governed by the number of civil cases, criminal cases, or special problems of the department. A careful analysis should be made in evaluating the relative value of specialization in departmental efficiency.

The Sheriff as an Administrator

The sheriff is required to maintain a rather involved administrative organization. The complexity of administration is dependent upon the size of the unit, the number of assigned personnel, the number of cases handled and budgetary problems. Most administrative functions of the office are at the discretion of the sheriff.

Some sheriffs are only required to maintain detailed records on the collection of fees, money expended, numbers of prisoners held and fed, and similar matters. Records required to be kept by the various departments are defined by the sheriff. His records may be as complex, or as simple as he desires, as long as statutory limits are met.

Administrative records should be kept for evaluation of operational efficiency. Administrative records can become cumbersome and necessitate a larger number of personnel than justified.

Miscellaneous Functions of the Sheriff

The sheriff has many duties not directly related to his other functions. Some may necessitate field activity. In the state of Pennsylvania, the sheriff is required to remove nuisances, issue firearms licenses, and serve in the capacity of coroner when required.

Other jurisdictions have similar requirements, and include issuance of licenses for automobiles, guns, or bicycles.³³ In most states, the sheriff is charged with prevention of crime, prevention of nuisances which may lead to crime, or prevention and correction of illegal conditions under the building codes, health, or welfare ordinances.

Many sheriffs exercise their authority to act in prevention by establishing juvenile units, auxiliary sheriff units, special vice squads, or speakers' bureaus. The sheriff may also be charged with the duty of providing rooms for courts, removal of squatters, prevention of duels, prevention of gambling, etc.³⁴

One of the largest segments of the sheriff's miscellaneous duty is associated with appointment and supervision of deputies for specific, yet special purposes. These include support of all courts. In sparsely populated areas which may have but one court, this problem may be handled by one deputy who acts as bailiff or other designated officer of the court. In some instances, the sheriff fulfills this function himself. In large metropolitan areas, the organization and administration of a court-support unit becomes a major undertaking and may require considerable time, concentration, and effort on the part of the sheriff. Generally speaking, the sheriff is responsible for furnishing personnel satisfactory to the court, who can efficiently maintain order, keep adequate court records, and carry out other duties assigned them by the judge or magistrate.

Extra duties include supervision of juries; service of subpoenas to persons placed on jury duty; custody of individuals being heard by the court, or who are to be brought before the presiding judge at a future date; collection of fines; maintaining court calendars, etc. In some states the sheriff may assign a deputy as constable of a township or as marshal of a municipal court.³⁵

The duty of these officers may be civil, administrative, or criminal. In other states, constables may be elected by the residents of a township and are not directly under supervision or control of the sheriff. In this instance, the constable has powers comparable to those of the sheriff, but in the more limited territory of the township.

If there is a requirement for the election of a constable, it is usually designated by statute. Requirements for the office vary widely from state to state, as well as within the jurisdictions of a state, but usually qualifications to hold these offices are almost identical with those required of the sheriff.

Among the other duties recently added to the sheriff's overall responsibility is the administration and operation of a civil defense program. In some states, the sheriff is designated either locally or by state authority as being the director of civil defense.³⁶

Civil defense organizations may be operated as entirely separate and distinct entities, or they may be an integral part of the sheriff's department as a whole. Occasionally, the personnel of the sheriff's office operate as a civil defense unit, but the unit is partially responsible to state or federal authority.

Local units administered by the sheriff may organize and direct local chapters of a federal organization. An example of this is the Ground Observer Corps, a federal organization of the U. S. Air Force. Additional auxiliary units of the sheriff's department may be operated in conjunction with civil defense programs, and training of the

³³ In one state, the sheriff is the official county dog catcher. In Michigan, the sheriff conducts automobile driver's tests. In North Carolina, the sheriff is the official comic book censor.

³⁴ Civil Process, Sec. 144; Stats. 1909, p. 680 (Cal): Auctioning of Property Designated to be sold by the Court. or other authorized authority. Political Code. Sec. 3291, (Cal). Political Code, Sec. 42 (Cal.), and citations from Ohio, Penna., Va., Ga., Ala., etc.

³⁵ Alameda County (Cal.).

³⁶ N.S.A. Survev.

two units coordinated. By such an affiliation, trained personnel and equipment, available only through the federal government, becomes readily accessible for the sheriff's use. Mutual aid pacts thereby become more realistic, and special disaster equipment is available and more easily placed into operation when needed.

Many of these duties are primarily administrative. The sheriff may be designated as the nominal head, and responsible for the organization, administration, and operation of the unit. The authority for the sheriff's specialized duties, as well as for some criminal, civil, and custodial aspects, originates from a higher authority, such as the court, the state government, or the federal government.

He is responsible for certain problems, but limits are set on the scope and latitude of his actions. To this degree, the sheriff's actions are strictly ministerial in that predetermined primary limits have been set, and the basic objectives have been established by the higher authority.

It is impossible to list all specialized duties with which the various sheriffs throughout the country are charged. Wide divergence exists between various jurisdictions, and new duties are constantly being added.

Some county boards of supervisors, or commissioners, are empowered to add duties to the sheriff's office. They may even have the authority to combine other county services with that of sheriff. Example: Tax collector, coroner, public administrator, assessor, etc.³⁷

Sometimes the pressure of voter groups can profoundly alter the sheriff's normal duties and responsibilities. The sheriff should consult with the local legal authorities, carefully examine local and state statutes, and otherwise seek advice regarding special functions which may be required of him.

CHAPTER V

SHERIFF'S BOND, LIABILITY, AND INDEMNITY

Need for Bond

There is no public official in the United States more vulnerable to suit on the official bond³⁸ of office, than the sheriff. Every sheriff is bonded. Many other public officials-city, county, state and federal-are bonded, but their bonds are particularly designed to indemnify the political subdivision in event of conversion of public funds by the office-holder or his employes. Ordinarily, public employes including deputy sheriffs, are bonded to their employer, whether he be tax collector, treasurer, or sheriff.

The practice of bonding a sheriff dates back to early English history. Some sheriffs were guilty of usurping authority. Others were careless in the discharge of official duties pertaining to civil functions of the office.

It was apparent, centuries ago, that a check-rein had to be applied to the sheriff even though he was an appointee of the crown. Indemnification, as a means of protection and recourse, became a necessity. A bond was the answer.

The mandatory posting of bond imposing personal financial risk upon the sheriff resulted in a lessening of the threat of arbitrary misuse of authority and a corresponding increase in diligence applied in carrying out court orders. Injured or unjustly treated persons or those who suffered damage as a result of official neglect were provided with a means of redress. This is exactly what the bond furnishes today. It acts as a safeguard for the public welfare and is a means of guaranteeing the satisfactory fulfillment of the duties of the official under bond,

Basis of the Bond

³⁷ Combination of offices ordinarily determined by State constitutions or statutes.

³⁸ Written agreement by which a person or his surety will pay a certain sum of money if bonded individual, or another specified, does not perform certain duties properly. Thorndike-Barnhart Dictionary

The amount of bond to be provided by the sheriff varies state by state and county by county. Bond amounts may be designated by state constitution, legislative act, county governmental administrative authorities, or a superior judge of the county.

There are almost as many approving authorities as there are designating authorities. These range from the Governor of the State down to the county administrative group or the superior judge of the county.

In some instances, the language provides "a good and sufficient amount" which usually leaves the specific amount of bond to the local authorities. In states wherein the sheriff is ex-officio tax collector or treasurer, the bond far exceeds the amount to be posted by sheriffs whose duties are entirely of a civil, custodial, or law enforcement nature.

The amount of a sheriff's bond is frequently predicated upon the ordinary volume of business handled by the civil department based upon sheriff's sales, attachments and replevins. The astute sheriff insists upon a special bond obtained from the plaintiff in all attachment or replevin actions.

Another determination of the amount of bond required is based on area, population, and assessed valuation in states classifying counties by this method.³⁹

As previously stated, the amount of bond may be set by action of the county's board of commissioners or supervisors,⁴⁰ the county's administrative body. The amount set by these boards must be within limits prescribed by the states' legislatures. In Georgia, the sheriff's bond is set at \$10,000 unless changed to a greater or lesser amount by local act.⁴¹

Generally speaking, when the amount of the bond is left to the discretion of the local agency, minimums and maximums may limit the amount of the bond which can be required of a sheriff.⁴² The majority of states set a specific amount of bond as being minimum, but have additional qualifying clauses in the bonding agreement.⁴³ Population alone also may be used as a basis for establishing a minimum and a maximum amount of bonds regardless of county, size, area, or class. Population, in such an instance, is generally determined by using the last state census, prior to the time the bond is fixed.

Regardless of the method used in establishing the required bond, in all jurisdictions a sheriff must obtain a valid bond before he may take office whether he be elected to a full term, completing an unexpired term of another, or has been appointed. Likewise, it is universally true that even though a person has been properly elected to office, he may not be inducted nor can he pursue the duties of the office until all the specific statutory bond requirements have been met.⁴⁴

Most jurisdictions stipulate that a sheriff-elect who fails to give a valid bond within a designated period after election may not take office. The office becomes vacant and a replacement must be supplied as directed by local laws.

³⁹ Bonds of sheriffs in Pennsylvania vary from a low of \$8,000 in an eighth class county under 10,000 population to \$80,000 in a first class county. Pennsylvania has eight classes of counties, and bonds may vary within a specific

⁴⁰ In Missouri, the county administrative authority is the "county court" usually comprised of three elected members. The "court" has no judiciary function, and the word is actu-ally a misnomer. Members of the county court are styled "judges"

⁴¹ Pepper, *Sheriff's Handbook*. 82

⁴² *Florida Sheriffs' Manual*: In the state of Florida, in counties of 150,000 persons or fewer, bonds required may not be less than \$200 nor more than \$10,000. Counties in excess of 150,000 population may set minimum bond at \$10,000 and the maximum at \$25,000.

⁴³ N.S.A. Survey. Example: In the state of California, \$25,000 bond required in addition to being an elector and 21 Years of age.

⁴⁴ *Anderson on Sheriffs*.

A replacement may be appointed by the governor or the vacancy may be filled by other means.

Form and Obligation of the Bond

In most jurisdictions, bonds have five basic clauses with additional and varying stipulations added in compliance with the laws of the particular area.

The bond specifies the conditions under which it is operative. These include the general duties which the sheriff must perform and limit the legal activities of the sheriff to those authorized by the law of the jurisdiction. Violation of any of these clauses could cause liability under the bond. The first section also includes the amount of the bond and a stipulation that any monies accruing from violation of its provisions be paid to the governing body which is indemnified by the bond.

The second usual provision insures that the sheriff will take all required action on the writs and processes issued by courts of the jurisdiction involved. This section also may include a clause stating that the sheriff must accept these legal processes and disburse funds as ordered by the court to the proper persons under the provisions specified in these writs and processes.

A third requirement is that the sheriff must well and faithfully perform all duties, carry out all trusts, and fulfill any other requirements of the office as set out in the law.

A fourth provision usually contains the acknowledgement that the bond is a guarantee of the faithful discharge of duties of the sheriff, as well as those performed by all members of his staff. (Members of the sheriff's staff may be held liable under the bond as well as the sheriff himself.)

The fifth usual provision provides that the sheriff must make a faithful and just accounting of the financial transactions of his office.

In addition to a bond, many states require the sheriff to file a recognizance, generally sworn to before the county clerk or recorder of deeds, stating that he is personally liable for any mis-feasance or malfeasance in office. This document is filed with the bond and is designed to act as basis for a lien against the personal property of the sheriff in case of misconduct in office before he has been released from his bond.

The recognizance also could be used to hold the sheriff financially responsible if his bond is not in proper form and he refuses, or is unable, to procure a new one. The recognizance is made in an identical amount and is essentially in the same form as the bond.

Obligations contained in both bond and recognizance often include the following as being the basis for claim or suit:

1. Any breach of the specified clauses of either document.
2. Any breach made by a deputy acting for the sheriff.
3. Failure to discharge any duty added to the duties of the office after the issuance of the bond whether the condition was expressed or not at the time of his election.
4. Damage or injury inflicted upon a person by an action of the sheriff or his deputy if such damage or injury is caused by (a) an action which is unlawful and accomplished under cover of office; (b) by an actual failure of the sheriff to perform a duty, or (c) is the result of an improperly or negligently performed duty.

Obligations imposed upon a sheriff by his bond and recognizance usually stipulate the nonfulfillment of a condition contained in either instrument as a basis for suit or forfeiture. If the sheriff fulfills his duty to the best of his ability completely and lawfully, there is little possibility that he will be subject to attack under either document. Court action is generally required before any demand is paid on charges of a breach of bond or liability accrues under terms of the sheriff's recognizance.

Duration and Release of Bond

Almost without exception, the bond and recognizance must be written to cover the entire term of office of the sheriff. Stipulations are generally included to assure full protection to the public from acts of the sheriff while in office and for a period after his term expires (depending upon the statute of limitations). A number of states have established limits upon the duration of the coverage of a bond, but most bonds must be approved in some states; in others the bond must be approved by a local agency, and in some cases both local and state authorities must concur. Authority for approval is generally specified by statute or is included in the state constitution. Some states require approval by the superior court or the court of common pleas (depending upon the title of the local or district courts of record). In other states the bond must first be filed with the comptroller, then forwarded to the superior court for action.

Liabilities and duties of a sheriff are not detailed in the stipulations of a bond, but are contained in state or local laws and supported by court decisions. Usually a bond does not bind the sheriff any more than he would legally be bound if serving without a bond.

Inadequate or Incorrect Bond

When bond is found insufficient, inadequate, or invalid by the approving authority, the sheriff must execute a new bond and recognizance, correcting the errors. Failure to do so may be construed as misfeasance in office and could result in suspension from office. The practice of yearly renewal of bonds was established originally in order to correct bonds found to be inadequate in the amount of coverage or which did not include all necessary or desirable stipulations sufficiently to protect the public.

There is generally a stipulation in the original bond, supported by court decisions, holding the surety company liable under the first bond until the new one is executed. Procedure in the approval of the new bond is the same as that in the original instrument.

Obtaining a Bond

Procurement of a bond is accomplished in one of four ways. It may be obtained through a surety company, by the posting of personal security, either money or real estate, a combination of the two, or full and sufficient security provided by friends and acquaintances of the sheriff.

Surety companies must be approved on both the state and local levels. They must have good financial records, and be in sound financial condition when the bond is approved. In most cases, the surety company must be a corporate business.

If personal security is posted by any individual, including the sheriff himself, the amount required is frequently higher, and sometimes double, than that required of a surety company. More than one surety company may be used where the bond is exceptionally high, but the liability of each participant in the guarantee must be clearly defined. Ordinarily, fees for bonds are paid by the county unless posted by the sheriff or his friends or acquaintances.

Liability of the Sheriff

Basically, no citizen of the United States is considered as being above the law. This, certainly, includes governmental officials. Any violation of the law on the part of the sheriff is as punishable as a violation committed by a private citizen, and is often one of the basic reasons for a damage suit against the sheriff's bond, and may be instrumental in causing him financial loss under the terms of his recognizance.

Principles of county government in the United States include the protection of society, enforcement of the law, and punishment of criminals. The sheriff should remember that the laws have been made for observance and not evasion. This applies to the sheriff as well as to all other citizens.

Acts Creating Liability

The sheriff's bond may be placed in liability either by acts which have been committed or omitted. The sheriff may be held liable for something done by virtue of his office which is required of him. It might be a duty or

responsibility with which he has sincerely attempted to comply, or has either incompletely or incorrectly accomplished. This would include making an arrest on a specific charge which is later dismissed, resulting in a suit for damages.

Liability may be associated with an act done under the authority of his office but not covered by his bond. This refers to actions not detailed in the laws defining his duties or activities by authority of his implied powers. Included in these categories are transactions of private business the result of which might be advantageous to the sheriff. These may have been influenced by the display of his badge, a simple assertion that he is the sheriff, or an implication that as sheriff he has certain powers. Any of these actions could be construed as a misuse of office and cause the sheriff to become liable.

Another example of an act which could be the basis for a suit is the making of an authorized arrest in improper manner by using undue force resulting in damage or injury. This would be improper use of authority. Assumption of official capacity, without authority to do so, such as using his office to repossess a car for a friend without a court order, is an act which may be the basis of a damage suit against the officer.

Failure to perform acts required of him by law, acts done in a negligent or improper manner, loss of civil papers after acceptance, improper filing of returns, seizure of personal property which is exempt from execution or damages occasioned by such seizure, are all actions for which he may be held liable.

The sheriff and his deputies are bound by the same rules of negligence which cover the actions of all citizens under like circumstances even though done by virtue, or under color of his office. Questions of liability arising from the authority of the sheriff to take an action can usually only be raised by persons directly involved or affected by the sheriff or his deputies in carrying out their duties.

Acts of the sheriff and his deputies resulting in liability are either criminal or civil in nature. A criminal liability may be punishable by fine, imprisonment, or both. Civil liability is a demand for a cash settlement, but neither is completely isolated from the other since a sheriff found guilty of a criminal act may also be sued in a civil action for the same act.

Criminal liability pertains to any direct violation of the law. A majority of civil liabilities involve the service and handling of civil processes. Civil liability, as well as criminal liability resulting from false arrest and assault, may be applicable against the bond of the sheriff. The bond, however, may be exempt. In the latter case the sheriff is personally liable and that is where a sheriff's false arrest insurance policy may be his only salvation.

Since both criminal and civil liabilities vary widely in different states, the sheriff should consult competent legal authority if involved in any liability action.

A bond written by a surety company or provided by friends of the sheriff is a secondary surety only. In event of judgment against a sheriff or deputy, the bonding company will seek full and complete reimbursement from the officer or officers. This includes judgment, court costs, and attorney's fees.

Liability of a Sheriff for Acts of Deputy

Liability of the sheriff for acts of his subordinates has been established by court precedent. The courts have held that faulty procedures indulged in by a deputy or other subordinate, whether these be faults of commission or omission, are the responsibility of the sheriff and his sureties. This includes all acts not required by law, but assumed under the pretext of a sheriff's officer.

Some states limit the liability of the sheriff for the acts of his deputies to those committed by the virtue of authority of office whether or not delegated.⁴⁵

⁴⁵ Court citations are available from : Alabama, California, Colorado, Georgia, Kansas, Michigan, Missouri, Ohio, Washington, and West Virginia

These decisions are, in general, based on the common law. The sheriff is held generally liable for any wrongful act committed by his deputy within the limits of the deputy sheriff's official duties.⁴⁶

Liability of the sheriff as the principal also extends to personal liability. Personal liability of the sheriff for acts of his deputy are generally confined to civil actions for damages resulting from exceeding authority as an arresting officer and in the routine discharge of assigned official duties. Criminal liability of the sheriff for acts of his deputy is usually limited to acts of the subordinate performed in the name of the sheriff but not necessarily with his consent.

Cases have occurred where the sheriff has been held liable for the acts of a deputy after the sheriff's term has expired and final settlements have been made. This liability rests in the responsibility of the sheriff for persons who have been deputized by him to collect and disburse public taxes. Most states do not release the sheriff of liability until all actions initiated during his term of office have been completed and the statute of limitations has become effective.

Some jurisdictions exempt the sheriff from liability for the acts of his deputy unless he has been negligent in making the appointment, and subsequently is lax in supervision of that employee's actions. This statement could be interpreted as applying to deputies hired under civil regulations and not directly appointed by the sheriff.

A sheriff may be held liable for homicides committed by his deputy if he has given orders to arrest and, if necessary, kill a certain criminal and the deputy negligently shoots the wrong person even though he believed he was aiming at the criminal.⁴⁷

Existing legislation generally covers any liability of this kind. Filing a writ of recovery relative to a death wrongfully committed is almost invariably a statutory matter. The plaintiff in such an action must show that his right of recovery falls within the limits of such statutes in order to hold a sheriff liable for such an act of his deputy.

CHAPTER VI

ORGANIZATION OF THE DEPARTMENT

Purpose of Organization

The purpose of organization is to assure protection of the public and its interests by efficiently arranging, coordinating, and controlling law enforcement units in a manner so as to fulfill all laws and directives, written or implied.

The administration of an efficient unit is divided into five basic fields. In most instances, these requirements are set up by statutes or directives, but many organizational duties of the sheriff may be merely implied.

The five major duties of organization, all of which overlap, include: prevention of crime; repression of illegal acts; apprehension of criminals; recovery of stolen property; and, recognition and enforcement of statutes and directives governing the office.

In addition, there are many implied requirements. These relate to the five primary duties which are outlined in broad terms. The term "prevention of crime" covers many separate and distinct elements of criminality. These range from traffic violations to murder. A principal duty of the sheriff is to prevent illegal acts. The methods he may use are not detailed in statutory legislation. He must devise and apply his own techniques.

Implied requirements are an equal responsibility of the sheriff particularly in the prevention of crime in the county or parish. Crime repression, of equal importance, pertains to the activities of law enforcement units after a crime has been committed. It applies to permanent discontinuance of chronic criminal activities such as vice,

⁴⁶ *Anderson on Sheriffs*

⁴⁷ *Anderson on Sheriffs*, p. 56. (Counties may not be sued. Liability would therefore rest with the offending officer or officers. Final suit outcome would ordinarily rest with the court and jury based upon state law and evidence.)

prostitution, traffic in narcotics, and all other crimes which may occur with more than occasional frequency in the county or parish. Repression of crime includes a vigorous attack on "incidents" contributing to crime. "Incidents," used in this sense, are generally considered as common breeding places of crime and delinquency such as brothels, illegal liquor dispensaries, etc.

Apprehension of offenders is closely linked to both prevention and repression of crime. If the sheriff's office has a reputation for speedy crime detection and criminal apprehension, it forcefully acts as a deterrent to future criminal activities. A court's reputation for speedy trial and enforced punishment further tends to discourage commission of crime.

Recovery of stolen property is an extension of the apprehension phase. Activity on the part of the sheriff does not stop with the initial arrest but continues until profit derived from the crime has been recovered and returned to the rightful owner. This materially assists the prosecutor in making a case against the accused.

Organization for the recognition, enforcement, and satisfaction of all governing regulations is more complicated. Duties and requirements associated with this responsibility are extremely wide in scope since they may relate to state and federal laws, or county and municipal ordinances. These various jurisdictions are widely separated and apply to different areas of action. They cover civil as well as criminal actions, and may be directed by court precedent, legislation, or local ordinances. Where confusion in the wording of the various regulations of different jurisdictions exists, it can usually be resolved by enforcing the directive of the higher authority. In case of doubt, the sheriff should consult with the local prosecuting attorney and request an official opinion as to what action to take.

The type and scope of the organizational structure of a sheriff's office should be relatively simple in its basic framework. Elements to be considered are simplified direction, coordination, and control. With the various departments of his office superimposed on a relatively simple basic framework to provide coordination for efficient operations and positive control of all subordinate units, the office is better able to operate easily, satisfactorily, and effectively.⁴⁸

Forming Unit Objectives

In organizing or reorganizing an office, the sheriff should first set up goals for the operation of the separate departments of the unit. Included are the manner in which offenders will be handled, techniques of arrest and custody, traffic control, patrol procedure, and all other details involved in the operation of a law enforcement office. The goal of each department of the office should contribute to the overall objective of preserving the peace. These are not static goals, but serve as a guide. They are formulated to demonstrate that a problem exists and needs correction. An example could be in the custodial unit. There, the sheriff might call for improvement in the quality of food, enforced cleanliness, firm but just handling of prisoners and, if feasible, an occupational training program. Previously established goals should be sufficiently flexible to permit modification, when required, after the sheriff becomes more familiar with the operations of the office.

⁴⁸ *Police Administration*, O. W. Wilson, p. 19.

Definition of Organization

Organization may be briefly defined as: development of a plan of operation which furnishes a means for function. ". . . there is no magic in the structure of an organization. Alone it solves no problem. The framework at best can merely provide the vehicle for the functioning of the unit." - *Municipal Police Administration*.

Organization is the plan by which the activities of all departments of the office are channeled to achieve the most efficient operation and prevention of confusion. The relative position and function of all subordinate units should be outlined. Personnel and equipment must be allocated for the most efficient use.

Fundamentals of Organization

Unity of control is an important factor in organization. This makes each member of the sheriff's staff responsible to only one superior for his actions. Unity of command is equally important. With unity of command, all actions taken by members of the staff would be channeled upward through their superiors to the sheriff himself.

There are physical limitations on the number of subordinates who can be supervised properly by any one man. V. A. Leonard in his treatise, "*Police Organization*," makes the generalization that the span of control should be limited to from three to seven individuals. The problems of individual jurisdictions are controlling factors in this situation. It is possible that subordinates may be incompetent, inadequately trained, or unwilling to perform their assigned functions. There may be a lack of adequate personnel, or faulty elements within the organizational structure. In any of these cases, the sheriff may be required to over-extend himself, but the efficiency of the office is bound to suffer from such conditions.

Unity of action is another important fundamental of organization. If the unit does not operate under a system of rules governing the manner in which things are to be done, the organization cannot function efficiently. Unity, or singleness of action, is determined by executive control.

In a large organization with numerous subordinate departments not under direct personal control of the administrator, there is usually a need for the distribution of written orders and instructions. In large offices requiring a high degree of inter-unit coordination, an organizational chart may be helpful in maintaining effective organizational control.

Delegation of duties, when possible, will permit the sheriff to devote more time to critical problems, and will aid in devising an effective and functionally efficient organization.

Authorities who have made evaluations of administrative and organizational methods agree that the structure of an organization should be as simple as the requirements of the work will permit.

Lines of responsibility coordinating all parts of the department should be clearly and simply outlined and reach from the lowest level to the chief administrator. These lines should be sufficiently clear at all points to make the flow of both routine and emergency operations as smooth, rapid, and efficient as possible.

The administrator must make allowances in the structural plan of his organization to provide for the division and equitable distribution of the work load according to logical plan. Simplicity in organization is the keynote. The fewer the activities which the administrator must personally supervise, the more time he has to devote to each.

Organizational Structure

It is generally conceded that the organizational structure of a police unit should be as simple as the requirements of the work permit. Lines of responsibility coordinating all parts of the department should be clearly and simply channeled from the lowest echelon to the chief administrator. Channels should be clear enough to make the flow of both routine and emergency work smooth, rapid, and efficient. (See Fig. 1, Schematic Control Channels of Organizations.)

Allowances must be made within the structural plan of the organization to provide for the equitable distribution of the work according to a logical plan. Simplicity of organization is the keynote.

Formation of the Plan

In the formation or reorganization of a sheriff's office, it is usual to divide the duties of the office into three primary sections. These are line duty, auxiliary duty, and administration.

Line duty pertains to all police functions of the office. It includes the duties of deputies assigned to law enforcement work, motorized patrol units, and investigators. Line duty assignments are those which require direct contact with the victim of a crime, the perpetrator, or the witnesses. Line duty is considered the most important aspect of the work of a sheriff's office.

The auxiliary function is assigned to units which devote full time in support of the line units. Generally, the auxiliary policing units may include a crime laboratory or technician, a photographic staff, and identification bureau including a fingerprint expert, and a communications unit. A juvenile unit and a women's bureau are usually classified as auxiliaries in spite of the fact that they are basically line in function. Custodial functions are also basically auxiliary.

The responsibility for discharge of civil process and procedure, and support of the courts, is divided between the first two categories. Actual service of these papers is primarily a line duty, but all related functions, including support of the courts and the maintenance of the records, are classified as auxiliary.

Coordination of all elements and the correction of faults and errors come under the administration and management function. This section operates to keep line units and auxiliary units acting in unification. It keeps records, makes statistical reports and surveys, and generally contributes to the efficiency of the entire department. A special service unit might be established which would include a training section, speakers' bureau, or any other desirable activity.

Essential Organizational Units

The administrator decides which of these elements should be incorporated into his department. He must decide the things that must be accomplished and eliminate all which are needed rarely, or not at all. This must be done within the confines of his budget and authorized personnel. Eventually, he should reduce his organization to the fewest possible sections, all of which are essential and cannot be combined further.

In the sheriff's office there are 10 basic groups, including patrol, investigative, traffic, vice, juvenile, records, maintenance, custodial, civil, and court support. In a sparsely settled rural community, some of these elements may not be needed. Sometimes all of them must be handled by the sheriff himself with little or no assistance. In addition to enforcing the law, even the smallest establishment must maintain a system of communications, procure and maintain equipment for the office, and keep adequate and necessary records.

There are far too many sheriffs' departments which are understaffed. There are some where personnel is limited to the sheriff and his wife, who is usually unpaid.

The civil and court work of the modern sheriff is a full-time job in the smallest counties.

Criminal work is increasing daily and the deputy assigned to this duty cannot handle the civil and court work at the same time.

Custodial obligations of the sheriff are such that they will not permit a jail to be unattended at any hour of the day or night. Deputies assigned to the jail may well handle communications and records.

Organization in Relation to Coordination

Regardless of the size or type of organization of a sheriff's office, it cannot operate efficiently without rapid and complete coordination among the various divisions.

Organization of the force on the basis of type of duty, the time and place of the action, and the level of activity, will greatly facilitate the processes of coordination. Swift communication among different units, each

coordinating information and action with other units on the same level of activity or authority, is a necessary element for efficient operation.

A deputy should coordinate his activities with those of other members of his detail or patrol. A deputy of authoritative rank in charge of several patrols should coordinate with others in similar positions. Officers in charge of larger areas (i.e. sheriff's substations) should coordinate with others in similar positions, and this procedure should be carried right up to the sheriff who should coordinate pertinent matters with sheriffs of other counties.

The time and place of action is an important element in coordination. A patrol may require a different type of coordination during the day than would be required in the same area at night. Similarly, a different type may be required in different areas of the same general jurisdiction. In general, the level of activity in the process of coordination refers to the point of authority at which the duty is being performed.

Establishing Complete Coverage

In maintaining complete coverage of all required activities of a sheriff's office, there are five major areas of action. These include duties performed in support of line action, the class of persons dealt with, coverage by area, the time of day or night, and the functional distribution of the force.⁴⁹

The specialized activities of personnel concern support activities and come under the classification of auxiliary duty. They include such activities as the taking of field photographs, operations of a lie detector, or of a crime detection laboratory.

Different types of coverage are required depending on the type of persons or the area to be covered. A rural sheriff deals with a different type of person than the metropolitan sheriff. The same holds true in coverage of a residential versus a commercial district, or with professional groups opposed to laborers. Every sheriff should make a study of the needs of his own county and decide what type of coverage will best fit his needs.

Coverage by area is simply decentralization. It is merely the division of the county into appropriate areas and assignment of personnel of the type and in numbers adequate to provide the best protection possible.

The time problem has reference to the distribution of personnel according to the requirements at any specific time of day. Problems of traffic during peak hours, and the protection of commercial properties during the night, are typical examples of assignment of personnel which must be studied.

Functional distribution concerns the division, assignment, and deployment of the force to meet special needs. This might occur when additional help was needed to handle a traffic problem, or the special handling of a riot, strike, or disaster.

Most sheriffs' offices use all five methods concurrently, but any or all may be combined depending on the needs and limitations of the individual office.

Determining Need for Departmental Reorganization

Every newly-installed sheriff must decide whether to retain the existing organizational structure of his office or to reorganize his department. A sudden complete change can result in disorganization and a lowering of efficiency.

Minor administrative changes can be made at once with no appreciable effect, but much thought should be given before ordering a full reorganization, and even then it is better to make changes gradually.

⁴⁹ V. A. Leonard, *Police Organization and Management.*, pp. 89-94.

Reorganizing the Department

The first step to consider in reorganization is the manner in which changes can be made with minimum disruption to the duties of the office. A new sheriff should issue a written order explicitly defining his policies to avoid any confusion within his department as to what is expected of it.

As a first step in reorganization, the sheriff should make a careful analysis of the functions and operations of his office. He should decide the most efficient way of combining associated functions into administrative units for economic and effective administration and control.

There is no set method of organization which is applicable to all offices. Modifications, adaptations, and alterations must be made depending on the changing individual situations and problems of the jurisdiction concerned.

Organization is the only systematic way to assure efficiency of operation, but the end result is completely dependent upon the personal management and control exercised by the sheriff within the framework of his organizational plan.

CHAPTER VII

EXECUTIVE MANAGEMENT

Management versus Command

The word command is defined by Webster as "to direct authoritatively, to order, to have or exercise authority, to govern." The word manage is defined as "to control and direct, to conduct, guide, administer."

The success of a sheriff in conducting the affairs of his office is dependent upon a careful balancing of the two concepts.

In the field of personnel management there is a distinct similarity in the exercise of control over the employees of a business establishment and the control of a sheriff over his deputies. In both instances, the degree of executive success is dependent more on leadership than the amount of command vested in the executive. Dependence upon power alone to assure efficient operation of any enterprise is a faulty concept. The sheriff who commands effectively also leads and manages his staff.

Command is an authorized and normally accepted activity of a chief administrator of a law enforcement unit. Leadership is also a part of the superior status provided in the organizational structure. Eventual success of any leader rests fully and completely on the willing compliance and cooperation of the staff, not upon the authorized exercise of authority.⁵⁰

It is important for the sheriff-administrator to realize that he is the leader of a team. If he cannot gain the confidence and support of his personnel, but must resort to command for compliance, he will not have a fully efficient operation. If the sheriff does not have the support of his employees he may fail, since the future of a chief administrator depends upon the manner in which his subordinates fulfill their assigned duties.

Function of Command

Command control must be established in order to attain the objectives of the office. It is usually impossible as well as undesirable for the administrator to give every order personally to every man on the staff.⁵¹

The sheriff of a small unit may be able to administer successfully the actions of all members of his staff, but even in a situation such as this, there should be at least one working assistant in the chain of command. By dividing

⁵⁰ Taylor, F. W., *Scientific Management*.

⁵¹ O. W. Wilson, *Police Administration*, p. 45

the command function, the sheriff lessens his own load but retains overall basic control.,⁵² This has an additional value in that his designated assistant may act during any absence of the sheriff.

Academic training may help, but there is no substitute for actual field training and experience. A complete knowledge of the responsibilities of his office and the best way to fulfill these responsibilities adequately is essential.

Use of radio, radar, television, and other new electronic and scientific devices should be utilized to the fullest extent possible, taking into account the availability of these important adjuncts to the sheriff.

Executive Function of the Sheriff

The executive function of the sheriff includes provision for the efficient, thorough, and practical operation of his organization. There are three major executive fields of operation which include efficient supervision of staff service, line operations, and the inspection of results. The sheriff must establish a complete policy system to direct the overall operations of his department.

Care should be taken in writing policy statements to make certain that such statements are not easily misinterpreted. The language should be clear and precise.

The sheriff should have a general knowledge of all aspects of his operation, but specific knowledge should be the responsibility of the subordinate assigned to the individual field of endeavor. The subordinate should be ready at all times to brief the sheriff on the specific aspects of the problem under the jurisdiction of the junior officer.

Authority and Responsibility

In any position carrying responsibility, sufficient authority must be delegated to the responsible officer to assure that his function can be adequately performed. It is axiomatic that responsibility without authority can only result in a complete breakdown of efficient operation.

The authority of the sheriff is based upon law, precedents established by the courts, and state or local governing bodies. Subordinate commanders may issue orders only when authorized by the sheriff and within the limits defined by his policy and the boundaries of his authority.

The sheriff has complete and direct command of every member of his department but in large organizations this command is frequently delegated to subordinate departmental commanders. The authority delegated to subordinate commanders permits them to issue direct orders to the men in the specified unit. The chain of command descends from the sheriff through his department heads to the individual members of the office.

Command responsibility is closely associated with command authority. The person issuing an order is accountable for his actions. While a subordinate is accountable for his actions, the sheriff may also be held accountable concurrently with all members of his staff. Errors on the part of a subordinate can subject the sheriff to prosecution for a crime or to a civil suit for damages.

Limitations of authority and responsibility must be defined specifically but be sufficient to permit the adequate operation of the function which is the responsibility of the subordinate commander. Authority is delegated by the commanding officer, while responsibility is determined by the governing policies of the sheriff.

There are two types of command, line and staff. Both are required in most law enforcement agencies. Line command is the authority vested in an individual to issue direct orders of the sheriff. A staff officer has no direct command function while serving in that capacity. A staff officer's function is to transmit orders of the sheriff in his name.

⁵² N.S.A. Survey.

Delegation of Responsibility

Delegation is the process by which the chief administrator assigns to some other person a portion of the duties of the superior officer. It is the action of shifting secondary responsibility for a specific duty to a subordinate. Overall responsibility remains with the chief administrator of the department and is not altered in any measure by the delegation. The sheriff is responsible for any conflict in command. He should carefully outline the areas of command delegated by him to subordinate officers.

The need for delegation of authority and responsibility is based on the total area of coverage of the department. The need for delegation is dictated by the extent of the operations of the office, including the number of personnel, and the time and place of required coverage.⁵³

Need for delegation of authority and responsibility may be determined by an analysis of four factors:

1. The functions to be accomplished.
2. The amount of time involved in fulfilling the requirement.
3. The site of the action.
4. The type or group of persons to be affected by the action.

The sheriff cannot delegate his total authority. The overall responsibility is always his. Delegated authority and responsibility are specified and applicable only to the area defined and are confined to the limits required to accomplish the mission efficiently.

Functions of Management

There are three broad functional fields of management in every sheriff's office. These are the line functions, the staff functions and the auxiliary functions. All of these fields overlap to some degree.

The line function is the action part of the office. The staff function is concerned more with the housekeeping duties, while the auxiliary functions have to do with special operations adjoining the other two.⁵⁴

In order to eliminate friction between divisions, increase flexibility of management in concentrating force at places and times when needed, supplementing intelligent planning of operations maneuvering the force with precision and certainty, most sheriffs' departments have an undersheriff or a chief deputy or both.⁵⁵

Actually, the undersheriff, as chief of staff, acts as a buffer between the department personnel and the sheriff. Operations may be coordinated more easily and the sheriff relieved of much of the complex detail involved in daily operations. Under this system, subordinate commanders are directly accountable to the undersheriff and through him to the sheriff. The undersheriff is the staff director and speaks in the voice of the sheriff.

Staff activities include personnel, records, identification, communications, property management, training, and public relations. Regardless of the size of the unit, these activities are necessary for efficient operation of the agency. Staff members assist the sheriff in the operation of the organization. Staff members may also be commanders of subordinate units, but as a staff officer he acts only as an advisor to the sheriff. The staff is a service organization for the line function.

The line organization has the action function of police protection, prevention of crime, and maintenance of law and order. The line converts plans and policies into action in the field at the point where police service is needed.

⁵³ O. W. Wilson, *Police Administration*, p. 36.

⁵⁴ N.S.A. Survey

⁵⁵ N.S.A. Survey-There is no uniformity in title among the states. Practically all sheriffs have a designated first assistant. By law, in some states, the chief deputy or the undersheriff assumes the office of sheriff in event of a vacancy or absence of the sheriff from the county or parish (Louisiana). In Massachusetts, the title of next ranking officer to the sheriff in his department is "special sheriff." Under many state constitutions, the coroner takes over the office of the sheriff in event of a vacancy due to death, resignation, or removal. In these states, the coroner is the only official empowered to "arrest" a sheriff or serve him with a civil or criminal process.

The auxiliary function, like the line, is an action operation. Its primary function is to support the line elements of the department. Auxiliary operations are actually specializations. Theoretically, line units can operate without auxiliary support, but, in practice, auxiliary support is necessary to the overall effectiveness of the department.

Frequently, the commanding officer of an auxiliary unit is also a staff officer advising the sheriff upon the operations and requirements of his unit. Auxiliary units may include jail duties, records and statistics, communications, maintenance, property management, laboratory or technical services training, and public relations. These are operating units and are not to be confused with staff or advisory functions in the same fields.⁵⁶

Supervision

To assure that assigned tasks are carried out efficiently, adequate supervision is essential. Guidance and instruction are supervisory functions.

Departments requiring a large patrol force frequently use the squad system, placing a junior ranking officer in charge of each squad. Under this system, organizational congestion resulting from a too highly centralized unit may be eliminated."

The actual supervisory system adopted is immaterial as long as the chain of command and line of direct control is maintained. Proper supervision depends upon the ability of the sheriff to place authority and responsibility quickly and positively.

Planning

Planning is essential to efficiency in the organization of a sheriff's office. In a large department, it is necessary to coordinate geographically separated units for unified action. In a smaller operation, planning may justify specialization.⁵⁷

Planning should be utilized in order to expedite all preliminary police tasks and should include all elements of the department. Total resources of the department should be included to achieve maximum effectiveness of the entire operation. It is understandable that all plans made by subordinate officers or squad commanders must be approved by the sheriff.

Specialization

Specialization is primarily an auxiliary function. It is a necessary development in a large organization. There are extremely wide variations in the degree of specialization required in a law enforcement agency. One department may have few specialized sections, while a department of equal size in another area may require a much larger degree of specialization.

Specialization is accomplished by division of the major office into separate subsidiary units which are assigned one or more of the primary duties of the department. There should be a valid reason for subdivision since the principal purpose of the specialty unit is to support the line forces with expertly-trained operators in specialized work such as identification, photography, raphy, laboratory, communications, etc.

Primarily, specialization in a field may be justified when it is found that the work within the specialized field requires the full time of a competent, well-trained individual.

The degree of specialization frequently can be controlled by the assignment of similar or related tasks to a single division or group. Thus, traffic control may be assigned to the patrol division, or identification, photographic and laboratories skills combined in one department or an individual technician.

⁵⁶ N.S.A. Survey.

⁵⁷ O. W. Wilson, *Police Administration*, p. 34. 120

Preliminary investigations of crime and violations of traffic regulations are similar to the duties generally required of a deputy and may not require specialization in a small agency. A large department with a wide area of coverage may assign specially trained personnel to various districts. Control, in some departments, is vested either in a district commander or in the commander of the departmental unit. Other departments separate the control from the divisional commander and assign it to a district rather than the departmental commander,⁵⁸

Of major importance to the sheriff is his intelligence unit. Regardless of the size of the office, this unit usually merits an independent status. Intelligence operations should be placed in the hands of only the most capable individuals with unquestioned loyalty and integrity.

The need for specialization should be determined by a careful study of the advantages or disadvantages that might result. Specialization is not always involved in a departmental organization. It is not necessary to create units for all specialized tasks. Many of these tasks may be efficiently handled by patrol units.⁵⁹

Generally speaking, the need for specialization increases as required by the complexity and volume of operations. There are both advantages and disadvantages to specialization. Primary advantages include:

1. Placing of responsibility for a particular function.
2. Development of experts qualified to testify in court.
3. Stimulation of special individual police interests.
4. Promotion of the general department.
5. Concentration and improvement of training methods.
6. The arousing of public interest in police activity.

Major disadvantages include:

1. The general usefulness of the specialist is limited.
2. General police interests of the specialist are restricted.
3. Command tasks are made more difficult.
4. Special administrative problems are created.
5. Development of a well-rounded police program is hampered.
6. Territorial coverage may be diminished by a reduction of the line force.

Inspection

The only practical manner in which a sheriff may determine the efficiency of his unit is by inspection. Inspection by the sheriff or his authorized representative should include every section of his organization with particular observation of deputies at work, methods employed, and results achieved.

Basically, inspections are of two types. First, there is the authoritative inspection made by the sheriff himself or by the commanding officers of his subordinate units. Second, there is the staff inspection involving examination of technical operations of the unit made by inspectors authorized only to observe these operations and to report back to the sheriff.

Inspections should be specifically directed to the quality and quantity of the performance of all segments of the office. This is the only means by which the sheriff can judge the overall efficiency of the performance of his agency.

⁵⁸ N.S.A. Survey.

⁵⁹ N.S.A. Survey. 79 sheriffs stated that they had no specialty units in their departments.

CHAPTER VIII ADMINISTRATION

The Sheriff as Administrator

Administration is an age-old process. It has been accepted as a necessary requirement for successful operation of every enterprise for thousands of years. Administration is defined by Webster as "the performance of the executive duties of an institution."

In the sheriff's office, administration is not a static function, but a continuing one. Adequate reports must be made and kept as a running record of the accomplishments of the office. Duties must be assigned to individuals or subordinate units in such a manner as to assure economical and efficient operation of the system in use. There must be a constant re-evaluation of the results of actions taken by the department in a constant effort to improve the efficiency of the operation.

Poor administration or management will result in gross inefficiency and waste. To eliminate such waste of manpower, equipment, efforts, and funds, it is necessary for the administration to ascertain the basic reasons underlying the situation. There is a continuing powerful movement in progress throughout the nation to eliminate unnecessary expenditure of funds by all elements of public services. The sheriff must prepare himself to conform with this trend.

Nearly every sheriff has, in the past, been confronted with the problem of operating with a minimum of funds, and under current conditions, this situation is likely to become increasingly stringent.

Status of Administration

The growing conception of administration as a science is of recent origin. This concept was presented initially by Frederick W. Taylor, in his book, *Scientific Management*, published in 1947.

While some of the larger law enforcement agencies are now devoting considerable time and effort in the streamlining of their administrative operations, many municipal and county organizations have a tendency to operate more on a hit-or-miss basis.

Through the establishment of improved service at a minimum of cost to the taxpayer, the sheriff has an opportunity to demonstrate, through good administration, that his department cannot only supply a maximum of service to the public, but show a "profit" as well. "Profit" to the public includes large recoveries of stolen materials, and preservation of property which may easily be destroyed by vandals.

In departments where the sheriff stresses his law enforcement responsibilities to the detriment of administrative duties, the police duties are likely to suffer along with the efficiency of the office.

This is a basic rule of efficient administration and management: *Be able to adapt; be able to change as conditions dictate; and last, be of open mind.*

Limits of Administration

Administration is limited in scope. It is confined to the activities by which the sheriff obtains the information needed to judge the success or failure of all elements of his organization. The administrative tools are the records, files, reports, and evaluations upon which operational decisions may be based.

Administration is only a part of the overall process of executive management. Its sole purpose is to support the administrator by providing him with a means of visible control. It is confined primarily to keeping records, supervision of necessary clerical functions, initiation of statistical work, cost analyses, and evaluation reports concerning personnel and unit efficiency.

The Administrative Plan

The administrative system should be planned to fit exactly the enterprise for which it is intended. Success or failure of the operation depends upon the manner in which the plan is formulated and put into operation. The common tendency to adopt a plan which has enjoyed success in a different jurisdiction is dangerous. The requirements of different jurisdictions vary widely. The plan should be specifically applicable to the unit under consideration.

Many modern sheriffs are saddled with faulty and cumbersome administrative systems due to the shortcomings of their predecessors. In some jurisdictions, there are stipulations in the law that certain obsolete records be kept. Situations of this sort are not universal, but they do exist and should be attacked and modified where possible.

Before planning a change in an existing system of administration, the sheriff should carefully analyze every aspect of his department. He should consider past history of the office and explore all requirements of his own operation before initiating changes.

The plan should be flexible. In continuing operations, it may be found that some portions of the plan are superfluous, or conversely, that some additions are required. Changes should be made as the need arises.

The basic rules of a successful administrative system are simple. They include maintenance of only the records, file, etc., needed to provide required information adequately without lessening the effective line strength of the unit and without wasting public funds.

Duties of the Administrator

The dual capacity of the sheriff, as chief law enforcement officer, and at the same time chief administrative officer, complicates the duties of the office. As a law officer he must direct his staff in all the various ramifications of police functions within his county. As administrator, he must operate an efficient office force to direct his department toward its principal goal in the most economical and effective manner possible.

In the province of law enforcement, the sheriff must follow written or implied rules. In administration, he is governed by the need to direct his department toward his objectives. Functional law enforcement is an action process. It is a definite, direct application of the legal powers delegated to the sheriff. Administration involves the correlation of material obtained from records, reports, and evaluations; finding his conclusions and enforcing his decisions. Personal judgment rather than laws or precedents are involved in this process.

It must be emphasized that the sheriff cannot confine himself to the concept of acting exclusively as a law enforcement officer. He also has the duty of administration of the entire office. The sheriff's responsibilities in the civil department are multitudinous and frequently involve his entrustment with tremendous sums of litigants' money and property. Court orders must be carried out to the letter.

Failure to account properly for entrusted funds, or carelessness or disregard of civil processes, can be disastrous to a sheriff in more ways than one. His deputies are his agents and he is responsible for their actions.

Evaluation

A newly elected sheriff begins his career within a unit with a previously developed system of administration and management. He should confine himself to a process of attempting to mold the operating system to conform to his wishes.

Before he can make any comprehensive plan for improvement, he should make a complete evaluation of the old system, seek out its faults and decide where improvements can be made. This analysis and evaluation should be comprehensive in scope and cover all elements of the operations.

After the evaluation has been made and the plan of action developed, the sheriff should put his plan into operation through a process of gradual transition. Any abrupt change could cause complete disintegration of the

operations of the office. He cannot halt all action in order to reorganize. The functions of the unit must continue. They cannot be stopped for even a moment.

The incoming administrator should confine himself to ideas only at the outset of his term of office. Sheriffs' units have been in operation since the start of the country. In taking office, the sheriff may find the operations to be well-organized already, or it may be operating effectively as far as the line is concerned, but be administratively topheavy. In this situation, the sheriff should begin immediately his evaluation and analysis to discover what changes can be made for improvement.

The only justification for immediate changes in administration occurs when a sheriff, upon taking office, finds the unit in a state of complete disorganization. Immediate changes then may be required to bring order out of chaos. Even in a situation such as this, as few immediate major changes should be made as are necessary. These changes can be temporary in nature, pending a complete evaluation and adoption of a permanent plan.

In order to make the best evaluation of a unit, the sheriff might originally limit himself to five primary surveys. These are in the fields of organization, jobs, equipment, administration, and physical layout of the office.

The organizational survey should include the examination of the work flow as well as command channels of functional operation. This should be one of the first actions of an incoming administrator. It should include examination of the organizational structure itself and an analysis of the work load handled by the several subordinate sections or individual employees. A complete job analysis of every work position in the department should be made. This can be accomplished by a requirement that each worker list his duties and outline the functions he is expected to complete during each work day.

The sheriff should undertake a complete inventory and survey of the physical equipment of the office. This should include a detailed listing of all types of machines, special equipment, and specialized devices under the control and direction of the sheriff. Operational items, such as vehicles, should be listed separately, as should administrative equipment, including files, typewriters, adding machines and other special office machines. Specialized equipment such as gas guns, road block signs, laboratory equipment, and communications devices should be included. In short, every piece of physical property should be listed.

The administrative survey should involve careful consideration of every form, report, record, or file used by the department. The sheriff should be on the alert for opportunities to eliminate, combine, or modify forms used. (See Fig. 5.)

For efficiency in movement and action, the sheriff should make a thorough layout survey of his office space. This would also serve as a time study of operation. The findings may indicate that by a judicious change in the layout, considerable time might be saved in combining related duties in one area, shortening distances, or redirecting work flow.

Installation of intercommunications systems, changing desk arrangements, cutting new doors, or creating pass-through openings might eliminate the necessity of excessive movement and department case load. A location pattern analysis, crime type and distribution, and clearance evaluation should be included. This phase of the survey may be accomplished by the use of spot maps or daily crime density reports. (See Fig. 7.)

By coordinating all reports concerning crime with the uniform crime reporting system,⁶⁰ much effort in formulating statistical records can be saved.

CHAPTER IX

REPORTS AND RECORDS

⁶⁰ Uniform Crime Reporting Handbook, Federal Bureau of Investigation

Purpose and Scope

The basic purpose of reports and records is to provide information required in the conduct of the sheriff's office. A report contains information needed in current operations, which is then incorporated into a permanent record for future reference.

Since the basic format, functional difference, or the objectives of records vary with the size, duties, and area of the specific unit, only basic records, commonly used by most sheriffs' offices are considered in this text. There are fundamental similarities within specific areas of action which can be utilized as guides for record-keeping in a majority of law enforcement agencies.

Recording Systems

Brevity and simplicity of form are keys to the effectiveness of all record systems. These factors are not in themselves the final test in the determination of the proper system for any specific organization. Any general record-keeping or reporting system should be carefully and minutely evaluated in light of the immediate and local need.

The objective of the unit, as exemplified by the administrative plan, should determine the system to be used by the individual department. It should be noted that the more complex a system is, the more hours of staff time and effort will be required for its maintenance. A system out of proportion to the requirements of the unit may seriously impair line strength. Personnel strength of the total staff decreases in direct proportion to the accumulative complexity of the reporting and recording systems used.

Many systems, initially efficient, may become cumbersome through gradual addition. The tendency to add a new form, or to alter an existing one without careful prior analysis, must be carefully suppressed.

No uniform system of records which can be used by all sheriffs' units has yet been devised. The fact that a sheriff administers one of the most highly complex organizations known, makes any single system of records applicable to all units not only impracticable, but impossible.

Each sheriff must consider the requirements of his individual unit, then design his system to fulfill that need. While many elements of a sheriff's duty and responsibility are similar in all jurisdictions, each sheriff has problems unique to his office.

Records, therefore, should be designed in such a manner as to simplify correlation of overall agency action and accomplish the required objectives of the individual jurisdiction.

Record forms come in all sizes and shapes depending upon the individual sheriffs department. Some departments operate successfully with a bare minimum of records. Forms are sometimes prepared by mimeograph system with blank spaces to fill in. Records are sometimes kept in handwriting on blank paper. Other units go into infinite detail and spend large sums in printing and preparation of their forms.

The major consideration in choosing the type of form to be used is the manner in which the information contained is to be utilized. Format is secondary to effective fulfillment of the purpose. Memoranda records written without the use of any form may have a far greater value than formal reports prepared with the help of an expensively printed, but poorly designed, form. The quality and organization of the information presented, not the means by which recorded, is the essential consideration. Use and need should be determined. Working on this basis, a form easily may be devised.

Value, Content, and Use

Simplicity in itself does not determine the value of a document. Actual value of a given record is determined by the manner and effectiveness with which it is used and will be used in the future. The value of a record increases with its content and in direct proportion to its frequency of use.

Exceptions to this rule exist, including information as to modus operandi, oddity, individual package, and criminal summary sheets which do not depend entirely upon the factor of use-frequency. Eventual use, then, must be a matter of consideration. To determine the value of a record, all aspects of its total use should be examined.

The record should be considered in light of the time required to prepare and maintain a file and the amount of time required to extract needed information. The less complex the manner in which material is recorded, the more effective the record will be for use by line personnel.

Classification

Record keeping includes four major categories. Classification of these categories is based upon the factor of use, and should include:

1. Operation records.
2. Control records.
3. Locator records.
4. Source records.

Operational records are devoted to the criminal, civil, and custodial phases. As a category, they include all forms, records, and reports used in carrying out the action phase of law enforcement.

These are the records required to expedite efficient day-by-day operation and are necessary to line functions, support activities, and auxiliary units. The objective of this type of record is to furnish information as rapidly as needed.

Basically, the operation record is a compilation for ready access of all reports or information concerning situations, incidents, operations, functions, procedures, or policies of the organization.

Control records are needed to assure correct and accurate handling of the various aspects of a sheriff's office. In most instances, records of this type are devoted to the handling and safe-guarding of monies collected, disbursed, or transferred by the sheriff.

Control records are required for matters pertaining to funds allotted the sheriff for operations, including salaries, purchase of equipment, jail maintenance costs, purchase of food and supplies, and criminal investigative costs.

In addition, control records are required to account for fees collected for civil procedures and services, licenses issued and fees collected, auction proceeds received, and accounting for trusts handled or collections made according to law.

Many of these records are required by law to be kept in permanently bound books, with all entries made by hand. Nearly all fiscal records kept by a sheriff must be audited and certified as correct, usually by an independent agency outside the sheriff's department.

Most law enforcement agencies maintain locator files, and though format and information included vary widely, the basic system is almost universal.

The cards most commonly used consist of a brief card index arranged alphabetically containing condensed information, including name, age and race of a convicted man. The case file number is usually the reference used to locate the complete facts. Alias name files, used as a cross index, are a part of the cross index of the locator.

Visible index filing systems are also used. These are practical for custodial work, communications, or personnel.

Source records include all the miscellaneous information received during the course of an operation. These routine items or facts should be available or accessible for easy location in solving a problem. The most efficient manner of filing source records without excess handling, is through subject handling, or the open file system.

This system can be installed at a minimum cost, and consists of a series of file folders each devoted to a generalized subject. The folders are then placed in a file cabinet alphabetically for reference.

Some of the general items which may be included in this type of file are pamphlets, bulletins, brochures, surveys, or reports received from other agencies, newspaper clippings, etc.

CHAPTER X

THE BUDGET

The Operational Budget

The problems involved in preparing, presenting, and gaining approval of the operational budget are matters of grave concern to every sheriff. Many difficulties arise in connection with this duty which, at times, may seem insurmountable.

While this may be a burdensome duty, it is absolutely necessary to make a clear-cut presentation of the fiscal needs of the office both for current operations and future plans.

The Approving Authority

In all cases, budget requests must be presented to some reviewing authority. Associated with the functional problems usually encountered, the general concept of public administration regarding the use of county, state, and federal funds must be considered. Requests for funds should be tailored to fit the current attitudes of the people themselves. If an economy wave is in progress, a realistic approach to the problem is prudent. If the public's attitude favors expansion of the duties and responsibilities of the sheriff's office, this should be taken into account.

In either case, economy in the careful, systematic handling of disbursements should be stressed. It also must be realized that the allocation of funds is sometimes directly related to the personalities, emotions, and attitudes of the governing authority as much as to logical decisions based on actual needs.

Historically, two opposing attitudes prevail in every budget. The sheriff bases his estimates on carefully documented needs and plans for the budgetary cycle under consideration, while the approving authority makes its own decisions as to the value and necessity of the submitted proposals in light of availability of funds.

The sheriff must make his projections after considering the needs of the public, the impact upon the individual citizen, and actual necessity within the framework of the financial position of the area.

In presenting his budget the sheriff's proposal should be impersonal, sincere, and systematic, supporting each item with detailed evidence on the legitimacy of the request and the need for the funds.

The Purpose of a Budget

Although a budget is basically a means by which the expenditure of funds can be controlled in a systematic and legal manner, it is far more important to the sheriff as a planning mechanism.

Essentially, the budget is a comprehensive plan expressed in financial terms by which an operating program is effective for a given period of time.⁶¹

Most jurisdictions have specific laws and ordinances which govern the particulars of public fund disbursement. A sheriff should be familiar with all the stipulations which govern the area of his operations.

⁶¹ Committee on Budgets, Municipal Finance Officers' Association

Scope of the Budget

The budget should include details on every phase of operation of the department. This is an extremely complex problem, especially in larger units. The total amount of money requested by the sheriff and the manner of presenting support evidence may greatly affect the final approved budget.

Many counties are required by law to operate under a very detailed budget system. Other areas may have less complex systems and be required to account, only upon demand, for funds expended. The majority of departments are given budgets for a fixed period, usually one year. However, there are a few units given a starting amount of money with a provision that supplemental appropriations will be made as required by the unit to maintain operations.

Most large counties use a system of accounts to control expenditures. These accounts permit the expenditure only for previously specified purposes. Definite appropriations may be made limiting expenditures for separate accounts such as salaries, jail operation, the purchase of supplies or equipment, transportation, contractual services, etc.

A common practice is to determine amounts allowed for each account on the basis of requirements for some previous operational period. Under this system, increases must be spelled out and fully justified prior to board approval. Increased requests should be estimated on the size of the work program and the services to be rendered.

There are still some departments operating on the basis of collected fees, with any excess of funds over the cost of operation accruing to the sheriff as personal income. This system has been eliminated in most states, although fees are still used in some jurisdictions to defray operational expenses of the department.

Budget Research

Research in preparing a budget is of great importance and should be given serious consideration. Most approving authorities require detailed information in justification of a request for funds. The sheriff must be able to present strong support in defense of his program, proving that certain items are required. He cannot depend upon assumptions, but must rely upon verified facts.

In presenting proof, the sheriff may find the following techniques helpful as a basis of support for his request:

1. Comparing the operation of his unit with that of a similar department.
2. Using case load statistics or case handling information.
3. Summarizing information relative to line operation of the unit.
4. Demonstrating logical means by which a change in method or system might result in higher efficiency.
5. Showing evidence that inequities or deficiencies could be lessened or eliminated with additional funds.
6. Analyzing actual operating costs and providing facts demonstrating that funds for equipment, building, supplies, etc., are inadequate and should be increased to conform to accepted standards of quality.
7. Demonstrating that adequate services cannot be provided due to lack of equipment, personnel, or funds.

In presenting a budget, the sheriff should provide complete support of the plan. He should explore all sources of information available to justify his proposed program. Statistics presented without explanation are valueless. They must be compiled and presented in a readily understandable manner.

Statistical support is effective if used to supplement other material and may be presented as a substantiation of a verbal presentation. The method by which the statistics have been prepared should be fully explained.

If statistical information is presented without a verbal statement, it is most effective if the facts are brief and simple. This can best be achieved through the use of charts, tables, graphs or other visual presentations.

Preparation of the Budget

Budget preparation entails many separate and distinct phases. Each part of the process is important and regardless of mechanical details used in the particular jurisdiction, all are encountered during the process.

Fundamentally, the process of budget preparation includes the following considerations:

1. Determining needs.
2. Justifying needs.
3. Preparing the documents to be presented.
4. Submitting requests.
5. Securing approval.
6. Controlling expenditures.

These primary considerations may be complicated by restrictive legislation, control directives, or eccentricities inherent in the individual system.

The sheriff may encounter barriers in the attitudes of persons, sociological trends, or adverse conditions which may materially affect solution of the problem.

Throughout the entire process of budget preparation the sheriff should maintain a constant system of checks and rechecks. The required amount of detail makes it impractical for a sheriff to attempt the entire job himself.

Throughout the entire process of budget preparation the sheriff should maintain a constant system of checks and rechecks. The required amount of detail makes it impractical for a sheriff to attempt the entire job himself. Instead, he should depend fully upon the capabilities of his subordinate commanders for assistance.

Each subordinate commander should be consulted concerning the needs of his sub-unit. In addition, the sheriff should require that each item requested for inclusion in the budget by his divisional commanders be accompanied by detailed justification of the need for the item. This may include a certificate of need, validation based on unit records, charts demonstrating the need, or any other means available. All statements of justification should be combined and made a part of the final budget justification.

The primary categories of need within a budget are generally salaries and wages, maintenance and operation, and capital outlay requirements. The degree of subdivision of these categories depends upon the requirements of the unit and the directives of the approving authority.

A suggested outline of a complete category subdivision of the major need classifications is as follows :

- | | |
|-------------------|--------------------|
| 1. Administration | 8. Laundry |
| 2. Buildings | 9. Medical |
| 3. Clothing | 10. Motor |
| 4. Communications | 11. Personnel |
| 5. Food | 12. Transportation |
| 6. Fuel | 13. Training |
| 7. Household | 14. Utilities |

Three elements are involved in every expenditure included in the budget: the equipment needed, the materials required, and the services necessary to fulfill the departmental function. Included in the latter are funds required to repair existing equipment, incidental expenses, and cost of contractual services performed by other than county employees.

Organization and Format

It is impossible to give complete and detailed information on the exact organization and format, since requirements vary in different jurisdictions. Generally, preparation of the budget document can be divided into

three phases, a rough draft, preliminary request, and the final budget. Each of these major phases has a definite purpose in the compilation of a complete budget.

The rough draft consists basically of all requests received from the various subdivisions of the department. These requests are then considered individually. The sheriff takes the rough draft and makes deletions, additions, or changes in line with his policy.

The preliminary budget request is a more complete tabulation of the items which the sheriff has decided to request, accompanied by the necessary justification statements, support certificates, charts, etc. All changes to be made should be incorporated into this document.

When the preliminary request has been examined, revised, and is as complete as possible, the supporting documents should be strengthened and expanded to provide the most complete justification for each item contained. The sheriff should then make plans for presentation to the approving authority.

The final budget is the document as it will be presented to the board. It should include all needs and requirements of the department for the designated period.

Preparation of the final budget should be delayed until the last possible moment in order to minimize the possibility of further changes. The final budget should not require any alteration.

The majority of sheriffs prepare the document according to some established standard format, in some cases on forms especially printed for the purpose.

A letter of transmittal usually accompanies the final document. This letter may include a statement of the authority for preparation of the budget, an explanation of the format of each section, and a detailed account of the system or method used in compiling the budget.

There should be a face sheet for each category in the budget request. This sheet should list each item in the category and its cost. A column may be included showing the actual cost of the item for the previous year, for comparison.

A statement of justification consisting of a series of documents listing all facts which justify the request of each item is attached to the face sheet.

Support material, including charts, graphs, affidavits, etc., pertaining to the specific items included in the statement of justification, may be incorporated into the justification or attached as a separate section or appendix.

The format of justifications should be consistent throughout the entire budget. Each section, together with its justification and supporting documents, should be kept as a separate element of the entire budget.

The exact procedure to be followed in presenting the budget is controlled by regulation of the particular jurisdiction. In most areas, budget requests must be filed at a specified

time prior to the end of the previous fiscal period.

Special Considerations

Although a budget is designed primarily to cover expenses for a specified length of time, careful consideration should be given to the future. Developments occurring during the period the budget covers may change needs or alter methods required to be used to meet these changes.

Often needs of the future may be partially determined by a study of past performances or experiences. Developments such as an increase in population, establishment of new industries, the rising incidence of crime, or the development of new hazards to public safety should be considered as a part of future planning.

Control of Expenditures

When final approval of the budget has been given, it is the responsibility of the sheriff to maintain his operational costs within the limits of the amount appropriated. A system must be established or maintained by which only authorized expenditures under the terms of the approved budget will be allowed. Care must be taken to assure that materials and supplies are procured on the most economical basis.

Some jurisdictions, especially those with county administrators or managers, have county control. This may require the submission of requisitions and the specification of the account to be charged with the purchase. Regardless of the method of control, any system should show the total funds available at the beginning of the fiscal period. Each expenditure should be subtracted from the total as made. The net remaining balance is then known at all times.

Whether control of expenditures is at the discretion of the sheriff or must be approved by higher authority, the sheriff should keep his own records for his personal protection.

In addition to the basic accounts maintained for control of budget funds, the sheriff may require each subordinate commander to maintain unit records of requisitions made by them. The basic advantage of this is to place unit responsibility for purchases and to provide the sheriff with information more detailed than it would be possible for him to have otherwise.

Some units accomplish this requirement by keeping stock record accounts which provide visual control of materials on hand, on order, or needed.

CHAPTER XI PERSONNEL

Success of any organization is closely related to the manner in which the administrator deals with his personnel and its organization. Regardless of the size of a sheriff's department, the attitude of the sheriff towards his staff is the keynote of successful unit operation.

Only two factors relating to personnel are considered in this text-selection and administration.

Selection

Successful operation of any sheriff's department depends upon the procurement of persons who possess the special capacities or capabilities required in law enforcement work.⁶²

Good law enforcement depends upon the quality of the men and women who perform the duties. Selection of the right type of personnel adds to the law enforcement officer's recognition as an important asset to his community. With good selection and a high level of efficiency, law enforcement takes on the status of a profession.⁶³

Law enforcement is a lifetime career for persons engaged in the profession and people joining a sheriff's organization do so with the expectation of permanency. The best qualified applicants must be obtained to fill available openings. Errors in selection may seriously impair the efficiency of the department.

The Selection Process

Selection of competent personnel is not an easy process. In every department, regardless of size, work varies from day to day and a wide range of talents and ability is required. The need for a variety of talents makes it difficult to determine a definite outline of requirements to measure the potential of any individual applicant.

⁶² Scott, AV. D., *Personnel Management*, McGraw-Hill. 1949

⁶³ Holcomb, R. L., *Selection of Police Officers*, University of Iowa.

There is no perfect method for the selection of personnel. The best method thus far developed is to approach the problem logically and systematically and hope that most misfits will be screened out.

Minimum Standards

A satisfactory personnel selection program requires the formulation of a standard minimum set of requirements for a deputy. The establishment of such requirements will tend to attract men and women of the type adequate to perform the tasks demanded of them.⁶⁴

The problem of entrance requirements of personnel has changed greatly during the past 30 years, and will always be in a state of transition. Standards of selection of personnel for a modern sheriff's department are now much higher, as more perceptive ability, capacity to accomplish diversified activities satisfactorily, and adaptability to emergency conditions are required. While the general fields of activity of the sheriff's office are approximately the same as in the past, efficiency requirements are considerably higher than they were in earlier days.

In spite of advances in methods, many departments still require that a deputy must pass only four qualifying tests: age, education, physical fitness, and residency in the county.

Now, personnel management authorities have come to the conclusion that efficient personnel selection requires consideration of many other factors in addition to those previously mentioned.

Progressive departments, in addition to the statutory requirements, consider, in addition to age, physical shape, education, and residence, the qualities of an applicant with relation to intelligence, adaptability, experience, personality, character, reputation and psychological factors.

Law enforcement officials should be possessed of normal stability and the ability to adjust to varied situations. The lack of either stability or adjustability will not produce a good law enforcement officer.

Insofar as possible, all appointments of personnel should be based on a definite set of requirements. Careful evaluation of all factors concerning background, demonstrated ability, and the meeting of minimum standards, is of the utmost importance in choosing personnel.

Mechanics of Selection

The mechanics of selection of law enforcement personnel in the larger sheriffs' departments follow a fairly consistent pattern. While some steps in the process have been eliminated in some jurisdictions, the procedures which have proven successful are similar.

In summary, a list of minimum standards which potential candidates must meet is formulated. Candidates must be acquired for the position. This may be accomplished through announcements over the radio, television, in theaters, and newspapers.

The interest of well-qualified applicants must be aroused. Any fringe benefits, retirement payments, and salary should be included in such announcements.

After candidates have made application, background information on each applicant relative to his qualifications should be obtained, preferably in written form.

If possible, a competitive examination is desirable. These examinations, if carefully designed and graded, may eliminate many persons unfitted or incapable of doing the job.

There should be a careful analysis and appraisal of the applicant based on the results of the competitive examination, his physical condition, and individual investigation. Intellectual, emotional, and ethical qualities should be considered.

⁶⁴ Leonard, V. A., *Police Organization and Management*, Foundation Press.

During this appraisal, careful consideration should be given to information developed by the individual background check. It is important to check neighbors and friends, social habits, memberships in organizations, credit rating, records of arrests, and military service.

Based upon all information, the applicant most fitted may be selected. It is generally agreed that law enforcement officers should serve on a provisional basis at the start. Supervision to ascertain that the probationary officer is qualified to perform his duties, and a periodic evaluation of his work, should be made by his superior officers. The newly-appointed man should not be placed on a permanent basis until he has proved that he is a valuable and efficient officer.

Evaluation Criteria

After the policy setting up minimum standards which must be met by the job applicant has been established, the mode of appointment, whether made directly by the sheriff or from an eligible list established by a civil service or other unit, must be consistent. Specific minimums must be adopted at the outset to prevent serious errors which might occur with respect to the qualifications of the applicant. Check lists are of value in summarizing the results of all factors under consideration.

Personnel applications vary widely between different jurisdictions. In some jurisdictions, a personal interview, question forms, or a personal investigation may be required, as well as the usual basic information sheet.

Some sheriffs require only the basic informational sheet and attempt to determine qualifications of the individual through a personal interview. Since a prospective candidate for a job is likely to exhibit only his best side to the interviewer, and cursory talk with him may result in the appointment of a deputy who does not have the general knowledge, stability, or psychological requirements needed in a good law enforcement officer.

Another major consideration in selection is physical condition. The opinion of a competent medical examiner, who uses standards recognized for insurance purposes, should reflect proof of acceptable physical condition.

Psychological and Sociological Requirements

Standards under which psycho-sociological testing is conducted should be high. Many major sheriffs' departments find it valuable to have a competent psychiatrist interview all applicants. It is often possible to eliminate persons who are neurotic, have psychopathic tendencies, or do not possess the ability to adjust which is so necessary to successful police work.

In all phases of law enforcement, persons with poor mental or emotional adjustment capabilities should be eliminated from consideration. Extreme or easily diagnosed mental conditions can usually be discovered during a primary interview. However, hidden tendencies can only be brought to light by a competent psychiatric examiner.

In spite of careful examining and testing procedures, some applicants without sufficient mechanical aptitude and ability to fulfill their jobs adequately, will slip through. These lacks may be discovered during their probation period.

Potential capacity of an applicant to perform tasks assigned to him which require a high degree of manual dexterity should be determined. The handling of firearms, the collection of evidence, rescue procedures, etc., all require some degree of physical ability.

Promotion of Personnel

In promotion, the general techniques used during the initial selection process of the deputy should be applied.

Some sheriffs depend upon their personal evaluation of a prospect for promotion. It is only good management to consider all other aspects as well. The potential of an individual to fulfill the requirements of the job under consideration is of importance. Consistency, sincerity, loyalty, and the emotional stability of the employee, should be studied.

A deputy who has performed adequately in his job has demonstrated a potential for handling a more difficult and higher ranking assignment.

However, promotion may radically change the working personality of an individual. If there has been any indication that the candidate

for promotion has exhibited a tendency toward vindictiveness, has an overbearing attitude, or has appeared unjust under any circumstance, promotion should receive careful consideration and be approached with caution.

Comparison of duty performance, mental and physical attributes, potential to adapt to a more complex assignment, and the general qualifications of all candidates to a specific minimum of standards required for high ranking personnel should be applied. Fairness must be exercised in the selection. Any selection made on the basis of personal likes or dislikes of the administrator can damage morale of the entire unit.

Equality of consideration, and justness of treatment and action, on the part of the administrator, are essential in administering a successful promotion system.

Personnel Management

The discussion of personnel management is confined to the minimum records needed to evaluate each employee's performance. For the most part, personnel evaluation systems used by sheriffs throughout the country appear to be limited to a few general methods. Each of these methods has been found adequate to meet the needs of the individual sheriff using it.

Folder System

The most common method used by large sheriffs' departments is a file folder or large envelope containing all pertinent papers, records, and reports concerning the individual employee. Indexing is alphabetical, and name and badge number are indicated on an indexing strip at the top of the folder.

These files include all materials associated with the initial selection of the employee, his training records, including his interest and progress in education, and all other information with respect to efficiency reports, citations, demerits, etc., relative to performance of the deputy. This file may be separated into active and inactive sections. The inactive section is usually maintained for record only and is used for preparation of training transcripts or in providing recommendations to other departments or agencies when requested.

Civil Service

Approximately 15 per cent of the sheriffs' departments contacted during the survey conducted by the National Sheriffs' Association were operating under civil service systems. In these departments personnel records kept by the department supplement a separate file kept by the civil service system itself. Records retained by the civil unit concern matters involved in the employee's selection, including all applications filed for promotional examinations, with results, and the employee's standing on the promotional and appointment lists.

The department includes a record of in-service and specialized training, reports on deputy's efficiency, performance, etc.

Master Card System

Smaller departments may find it simpler to maintain a master file card for each employee and make entries as needed. Cross reference notes may be written on this card to indicate where correspondence (contained in the general departmental files) may be found. Large departments, however, often find that the card system requires too much time to make special entries, and may require additional help.

For this reason, the folder system has been found more practical for sheriffs with more than ten deputies.

Separated System

Some sheriffs use a system similar to the general folder type with the exception that various important elements of information regarding their employees are kept separately. Training records concerning each deputy are kept by the training unit. Progress, performance, and promotion report files are maintained by the sheriff, himself, or by one of his assistants. Another record including disciplinary actions or citations, may be kept in a separate departmental file. This system has been found cumbersome. A complete individual record cannot be made on short notice when needed.

The combined method, either by card file, file folder, or envelope has been found the most practical and easiest to maintain with fewest errors. All records concerning an individual are kept in one place and are easy to check or combine.

Records and Forms

Personnel records, to be efficient, should be as simple as possible, but complete enough to provide needed information. Every sheriff's department in the country keeps some sort of records. Some are highly complex, while others are quite simple.

According to the NSA survey, personnel records provide the sheriff with any information specifically desired. However, many records now kept in the systems in use could be combined without loss to the administrative system.

Records are both useful and necessary in every sheriff's department, but if they require a duplication of effort or extensive detailed clerical work, revision of the system should be considered in order to achieve a higher degree of efficiency, cut the costs of the department, and release men for enforcement rather than keep them at clerical duties.

Records kept and forms used most frequently by sheriffs' personnel sections include the following:

1. General information reports, including informational questionnaires, character and screening reports, results of examinations.
2. Health records, including accident and illness reports, and sick leave records.
3. Payroll records.
4. Assignment records, including rule infraction reports, citations, commendations, etc.
5. Training records.

Forms needed to administer personnel successfully depend upon the size of the department, and may range from only a few to a hundred or more. The sheriff who has only a few deputies may need only generalized records, since he has personal knowledge of the employee's record and potential. Sheriffs with larger departments find that a detailed record of some sort is indispensable in making proper assignments.

The abilities, capacities, and past performance of the man being considered for promotion should be studied and, to do this, valid facts must be available.

Sheriffs with large departments rarely know each of their employees personally; therefore, their decisions must be based upon information developed from an adequate reporting and recording system.

CHAPTER XII

TRAINING

Efficiency and effectiveness of an employee depend upon a minimum of three elements: first, the capabilities and capacities possessed by the individual; second, education and background experience; and third, an effective training program to develop new or specialized skills while serving the sheriff's department.

If the employee selection method used has been effective, there will be no question as to the mental and physical capacity to perform the duties adequately.

As stated in the previous chapter, minimum standards and requirements should be adopted at the outset in order to measure the training and skill level of the employee. A systematic approach and consistency in presentation of the orientation course is essential.

Fundamental Elements

Several fundamental elements should be carefully analyzed before any training program is initiated. Generalized needs of the department which deals with law enforcement work should be catalogued. The conditions present which may affect the department should be listed. These would include the area, topography, population, and classes of residents. A minimum standards guide of training proficiency to measure the efficiency of the personnel should be established, and the manner in which needed training is to be provided, financed, and evaluated should be outlined.

Types of Training

Training of law enforcement officers can be divided into three primary types.⁶⁵ These include orientation, inservice or supplementary training, and special purpose training.

The needs within each type of training should be considered separately, although each of them has a definite objective in providing a well-rounded program.

Orientation Training

Orientation training is basic in nature and coverage: The objective is to inform the new deputy of the scope and requirements of his job: Many large departments have an academy training program lasting several weeks. In such a program, all newly-assigned: personnel are required to attend the course. The training may be an inresidence system, with high standards required for graduation.

An academy program, if well-planned and administered, is helpful in weeding out persons not temperamentally fitted for law enforcement work. The character, capacity, and learning ability, and other pertinent characteristics, can be determined.

Small departments, unable to afford such a program, often utilize training facilities offered by other law enforcement agencies. Reciprocal use of facilities in this manner can do much to develop friendly interdepartmental relations.

In-Service Training

In-service, or on-the-job training has several definite objectives. They are the improvement of unit operational efficiency; the correction of faults or errors in operation; maintenance of recognized training levels within the department; the clarification of policy, elimination of confusion; and, the development of basic skills in the use of equipment, machines, or weapons.

A periodic "booster" course for deputies to maintain efficiency is helpful, when possible, to maintain the high standards demanded of the sheriff's office.

Many sheriffs use the in-training courses to keep personnel abreast of current law enforcement developments, changes in operational policy or procedure, and general educational purposes.

Range training, teaching of judo, or civil disturbance control are usually in-service programs of instruction, with experienced men as teachers.

Specialized Training

Specialized training is provided to qualify deputies for a specific job. Specialization, as compared to in-service training, is more detailed. Technical and scientific personnel must receive training for the particular specialty

⁶⁵ N.S.A. Survey

desired. Training to use a polygraph, specialized weapons, or rescue equipment requires a high degree of proficiency and skill. Instructors should have a thorough knowledge of their subject matter and be trained teachers. Many sheriffs, unfortunately, do not have personnel with specialty backgrounds and must depend upon the other agencies to provide such training.⁶⁶

Organizing a Training Program

In planning a program of instruction, it is important to determine what training is available from other agencies within the county. Colleges, universities, and high schools may have special classes to train law enforcement officers, or be willing to initiate them. There are many sources of information concerning such educational opportunities, including Federal, state and private institutions, which are available. Among these are the FBI Academy, numerous state law enforcement schools, the Eastman Kodak Co., which conducts two seminars yearly on the use of photography in law enforcement work.

Sheriffs with large departments may prefer to establish their own program in conformity with their local needs and policy.

According to the NSA Survey, many sheriffs throughout the country have complete, comprehensive, and well-organized training programs for their own personnel. Some sheriffs routinely invite other law enforcement agencies to participate in these training activities on a cooperative basis. Financial arrangements between municipalities and counties have been made which facilitate training for all units.

Before a sheriff decides to establish his own training program, there are several questions to be answered, including:

1. Does the department have the facilities and equipment to conduct the program?
2. How is the program to be financed?
3. How will effectiveness of line personnel be affected by the training program?
4. How extensive a program is needed by the department?
5. Availability of adequate instructors?
6. Will the program justify assignment of a full-time training officer?

In establishing an in-service training program, it is possible to establish a basic program without special equipment. Facilities and equipment organic to the sheriff's department are adaptable to such programs.

Projectors, films, blackboards, or charts can be borrowed from a school, or may be obtained on loan from a state or Federal agency. Equipment used in training can often be improvised. Training aids (such as charts or diagrams) may be prepared at little cost to the unit. Equipment used in operation of the course, such as gas guns, etc., can be used as effective demonstration models.

Presentation of Material

The sheriff should analyze three basic factors in determining the extent of training needed. These are the knowledge, mechanical facility, and specialties required by his operation. A well-rounded training program should have a progression from basic, to advanced, to specialized level. Training of auxiliary units, composed of volunteer workers, is generally a separate program, but based on the regular curriculum. Most departments find it necessary to abbreviate the courses offered to auxiliary units attached to the department.

Minimum Programs

The scope of in-service training varies widely according to the needs of different departments. Standards, however, should be maintained at a consistently high level. Subject matter which should be considered for inclusion in basic-level training are the powers, duties, and responsibilities of the deputy; laws and proper

⁶⁶ FBI, Bureau of Prisons. Treasury Department. and some state agencies will provide instruction. if requested.

execution of arrest; rules, laws, and techniques of preservation of evidence; procedures and methods of patrol; local, state, and Federal laws; use of foilas, making of returns, handling of fees, etc., in civil procedures; the administration of custodial functions, including the handling of prisoners, safety, laws and regulations; methods, techniques, and procedures in making investigations; control of civil disturbances; public relations; interrogation methods; report procedures; the approved procedures in the transportation of prisoners, whether sane or insane; court procedures, how to give proper testimony, handle traffic, juvenile cases, and communications.

The basic program may be extended or reduced according to the needs of the individual sheriff's department. Range training and scored qualification firing should be provided if possible.

Minimum standards of proficiency should be established in all courses to insure consistent development of all deputies to required level of efficiency.

CHAPTER XIII

DISCIPLINE

In a sheriff's office, the word "discipline" has two different meanings. The first, using Webster's definition, is by far the most important. If discipline in this sense is carried out, there will be no reason for using discipline in its secondary meaning, that indicating punishment.

According to the dictionary, the primary meaning of discipline is: "training which corrects, molds, strengthens or perfects; a rule or system of rules affecting conduct or action; to develop by instruction and exercise; to train in self-control or obedience to given standards."

The secondary meaning is defined as to: "chasten or punish."

In a well-disciplined sheriff's department there will be no need to "chasten or punish."

In a highly disciplined unit there is also high morale, loyalty and efficiency, stimulated by enthusiasm and interest in the work of the unit. Elements in determining the degree of unit discipline are the attitude of the deputies, the manner and completeness in which orders are carried out, the attitude of the public toward the unit, and the efficiency and effectiveness in the performance of the duties of the office.

If a yardstick covering any of these elements reveals that they are below par, it may indicate a lack of management control, policy, operational procedures, or morale.

The sheriff should install a system of regulations, procedures, and handling methods which are definitive, but still flexible enough to permit his deputies to use some judgment in any given situation.

Directive Methods

Direction and regulation may be accomplished through the use of five fundamental means. Verbal instructions may be used to direct a single action to meet the needs of a particular situation. Verbal orders may be issued which are explicit and are of a permanent nature. Written memoranda may be issued, which also may be confined to operations with respect to a single incident, problem, or method. Written orders are specific, direct and permanent. They apply, in general, to only one phase of the operation of the office.

In addition, there should be manuals specifically outlining the limits of action, procedures, standards and methods to be followed in pursuance of the duties of the department.

Some sheriffs administer their departments almost entirely through the use of verbal instructions and orders, using few, if any, written orders or regulations. However, most large departments rely upon the use of regulations, manuals, order books, or guides to procedures to be used. Other departments have a book of basic reulations and augment the regulations in the book with verbal instructions or orders in special situations.

The procedure used depends, in a considerable degree, -upon the size of the unit-the more personnel involved, the more use of the written orders is required.

Advantages accruing from the employment of the written directive include the permanency of such orders. There can be no question as to what was said, and changes can be made as needed and still be a part of the record.

Clarity in a directive, whether written or oral, is of the utmost importance. Confusion, conflict, or ambiguity in the language used, may lower the operational efficiency of the unit. While the language should be specific, there should be sufficient flexibility to permit some latitude, within limits, to the deputy. It is impossible in any written order to anticipate all eventualities.

The majority of sheriffs, to achieve 'this goal, use a single regulations manual governing most situations, in a general way, and supplement the manual with written or verbal orders in special situations.⁶⁷

A number of manuals in use by sheriffs' departments authorize the deputy to use his own judgment in handling specific situations.⁶⁸

If a regulation or order is to be a permanent one, it should be in written form even though the original order or directive was verbal.

Issuing Directives or Orders

A well-executed order or informational directive should be issued in a manner to comply with the organizational structure and distributed through the chain of command of the organization. It should be composed with a simplicity and directness of language, clarity of objective and standards, consistency with previous orders and procedural regulations.

Some administrators, instead of setting hard and fast rules as to what must be done, provide a certain amount of flexibility by confining the majority of their regulations to a list of actions which are prohibited. This method makes it possible for the sheriff to outline policy guides and still permit the deputy some latitude in his actions.

The important thing in achieving efficiency and the desired results is to keep orders and directives consistent and easily understandable.⁶⁹

Penalties

Unfortunately, not all sheriffs' departments have a perfectly disciplined organization. Therefore, some set of penalties for failure to perform adequately, failure to obey orders, or lack of using the proper procedures, must be set up.

Sheriffs who have independent power to appoint personnel generally have the same power to discharge them. Nepotism or favoritism should have no place in either action. Efficiency standards should be outlined setting up conduct and efficiency requirements and the employee rated according to these standards.

According to the NSA Survey, only about 15 per cent of the sheriffs' departments stated that they were operating under a civil service system; nearly half indicated that they functioned within some type of minimum efficiency standards.

⁶⁷ N.S.A. Survey

⁶⁸ Phraseology in a number of manuals is approximately as follows: "Unless otherwise stipulated within this manual or bti written order, all actions, procedures, methods and dispositions shall be in conformity with recognized standards of law enforcement procedure and conduct."

⁶⁹ N.S.A. Survey. Many sheriffs organize their regulatory manuals according to subject or area of action such as personal conduct, administration, custodial or patrol procedure, training standards, etc.

It is fundamental for any unit, whether appointed by the sheriff or operating under a civil service system, to establish a clear-cut and understandable set of operating regulations. They should be definite and outlined in detail.

If the sheriff has an adequate regulatory system, there are a number of ways by which it can be enforced.

Whether the unit is under a civil service or appointive system, there are a number of techniques of punishment that can be applied, depending upon the seriousness of the nature of the infraction.

A reprimand is the most commonly used and is confined to minor infractions. It is intended to be corrective and is usually verbal.

In a case involving the willful breaking of orders, the deputy may be censured. This action is of a more serious nature than a reprimand. It involves a written permanent insertion in the record of the individual.

In cases of willful disobedience of orders, or direct violation, suspension can be invoked. This imposes a loss of pay and privileges for a specified length of time and also goes into the employe's permanent record.

Demotion or loss of status may be a part of either a suspension or censure action imposed by the sheriff and may include a fine. Suspension and demotion are sometimes used as simultaneous penalties.

In serious violations on the part of the deputy, termination, or final and permanent separation from the service, may be inflicted.

There are times when it is necessary for the sheriff to institute court action against a deputy who has been the subject of the termination action. Under state laws the sheriff may be required to bring criminal or civil violations of the law, particularly if of felony type, before the grand jury.

Regulations Evolved by Practice

Operation of a unit directed by methods or procedures developed by habit or acquired through practice should not be construed as binding regulations.

Undoubtedly new methods will develop in practice and, as they appear and demonstrate their merit, they should be included in the definite and specifically prepared master regulatory system. Simply because something is done in a certain way by most deputies should not direct that the action become a departmental accepted practice. Only if practice or procedure is efficient and has been approved by the sheriff should it be allowed to become part of the accepted method of doing a job.

In outlining a regulations manual, a sheriff will sometimes discover that stipulations of various laws⁷⁰ or ordinances will detail duties and responsibilities of both the sheriff and his deputies. If such is the case, then a digest of the pertinent elements of these enactments should be included as part of the departmental regulation manual. In some instances, it may be found necessary to supplement such a digest of laws with an outline of directions to expedite procedure; these, too, should be made part of the regulatory manual.

Developing a Disciplined Unit

A highly disciplined law enforcement unit fulfills all dictated requirements quickly and efficiently without undue conflict. Although ideal, such a condition does not come about without effort on the part of both the sheriff and all his employes. Carefully calculated and effectively applied management is involved in the process of developing a high degree of unit discipline.

This process also dictates that management must fulfill its responsibilities to the employes and the unit as well as requiring working personnel to meet standards of capacity and efficiency. This, in essence, means simply that

⁷⁰ More commonly encountered in relation to Civil process and procedure than in Criminal matters. States which are codified, however, may include exact requirements and procedure of carrying out the functions of both Civil and Criminal activities of the sheriff.

management must not be exempt from compliance with the regulatory system, and that preferential treatment should be eliminated.

One authority⁷¹ in personnel management argues that, to be effective, every manager should carefully consider three governing characteristics which should be provided by his unit and which are of interest to each employee. Functional interrelationship of these elements materially affects employee morale, and as a consequence also tempers overall operational efficiency of the unit as a whole.

Fundamental in the creation of high unit discipline is the consistent and studied application of the principle of firm justice. Firmness, governed by an effective system of recognized regulations, and applied with consistency and impartiality can develop high discipline more rapidly than any other single element of management. Inconsistency, indecision or lack of firmness, conversely, can quickly break the discipline and morale of any unit.

Second, and of high importance in establishing discipline, is a carefully planned program oriented toward providing equal opportunity for all employees. Closely associated with this element is a consistent system of evaluation of performance which provides a positive method of recognizing noteworthy, exceptional, or valorous actions. Incentive, stimulated by compliments or commendations for a job well done, contributes to discipline and unit morale.

Administrators sometimes overlook another element of effective personnel handling: a need to understand and have interest in the deputy and his welfare. An administrator who sincerely demonstrates an interest in an employee's personal life, such as his family and future, and yet does not overstep bounds of individual privacy, can develop an employee's loyalty far beyond the usual. Interest in the employee's off-duty welfare, although somewhat out of the realm of a management responsibility, can materially affect on-the-job performance and potential of many employees if correctly pursued. In every instance such interest must be sincere, nonforcing, and be acceptable to the employee concerned.

The Sheriff's Role in Discipline

One of the basic factors in developing a highly disciplined unit is personal recognition that all regulations, policy, and directives apply equally to all members of the unit. Regardless whether it be the sheriff himself, his subordinate commanders, or a deputy, the regulatory system should be equally applicable.

Inequality of application, unjustness, nepotism, all are dangerous and highly damaging to unit morale. Even the slightest hint that penalty or corrective measures have been withheld because of political affiliation, friendship, or rank, can have a disastrous result. Individual morale and loyalty of the individual for his superior may be seriously lessened.

It is wise for a sheriff to keep in mind that certain elements of his organization, whether it be large or small, are not under his direct control. Some of these conditions which may materially influence unit operation and efficiency may never come to the direct attention of the sheriff or his staff. Every unit has an unseen system of information dissemination; and, although informal and unplanned in structure, it is highly effective.

If an individual injured by an unjust decision happens to be a social or friendship leader within the unit personnel, information may be transmitted throughout the unit with extreme rapidity. Results may well be to the sheriff's disadvantage when such occurs, as facts may become distorted, omitted, or in error.

Despite the fact that rumor and grapevine lines of communication are beyond control of the sheriff, it is far the wiser and more prudent practice for him to realize that such channels do exist, and make allowances. In this regard, a consistent personal attitude and method of action associated with a planned system of impartial and just control can do more to nullify the effects of grapevine rumors than any other action that can be taken by a sheriff.

⁷¹ IV. D. Scott, et al., *Personnel Management* (fourth edition), New York: McGraw-Hill Inc., 1949.

CHAPTER XIV

ARREST, EVIDENCE, SEARCH, AND SEIZURE

Arrest, collection and preservation of evidence, and the process of search and seizure, are primary responsibilities of the sheriff.

Thousands of pages have been written and countless court cases are on record concerning these subjects, but it is essential that a brief non-technical discussion of them be included in this manuscript.

Arrest

Arrest is deprivation of personal, individual liberty by legal authority. An arrest is made by actual restraint of a person in a legal manner by a law enforcement officer, or in some cases by any citizen. (In actual practice, a citizen may make an arrest under certain circumstances but prefer to call an officer when a violation of law comes to his attention.) The third type of arrest occurs when a defendant voluntarily submits himself for custody.

The fundamental difference between an arrest made by an authorized law enforcement officer and one made by a citizen is that a sheriff or other officer is required to act when a crime has been committed, while a citizen may act on his own option and his own risk.

Arrests may be made with or without warrants. However, the laws of most jurisdictions place limitations on the arrest of any person without a warrant. These include a requirement that the arrest must be made within a reasonable time for any offense committed or attempted in the presence of the arresting person, or that a felony has been committed and the arresting officer has reasonable cause for believing that the person arrested committed the crime.

Exemptions

Legislators, government officials, foreign officials or dignitaries, and witnesses are exempt from arrest under specific conditions. Generally, immunity is not granted if a felony has been committed or in a case of disturbance of the public peace. In some jurisdictions, citizens may not be arrested while going to or from the polls or while voting.

The sheriff should determine county and state conditions and laws governing exemptions in his jurisdiction.

Any arrest made without legal authority is considered false arrest. While a false arrest is generally considered as being a private wrong for which damages may be recovered in a civil action, some counties have statutes making false arrest criminally punishable.

Use of Force

Force or restraint applied in making an arrest may be sufficient only to enforce the detention. The use of excessive or brutal actions on the part of the arresting officer is prohibited throughout the United States.

Generally, it is justifiable for an officer to kill a prisoner if necessary to protect his own person or to prevent an escape if a felony has been committed. Killing while making an arrest for a misdemeanor, unless the arresting officer's life is in danger, is never justifiable.

False Arrest

Any arrest made without legal authority is considered false arrest. While a false arrest is generally considered as being a private wrong for which damages may be recovered in a civil action, some counties have statutes making false arrest criminally punishable.

Arrest with Warrant

A warrant is an order directing the sheriff to bring a specifically named defendant before the issuing authority. The sheriff is required to serve all warrants given him which appear regular on their face. Willful failure to do so may be punishable as contempt of court. However, if the process appears irregular or invalid on its face, the sheriff has an obligation not to serve it.

Warrants are required (in nearly all jurisdictions) to give the name and jurisdiction of the originating authority, notification that it is being served at the direction of the people of the state, a statement that the person named and/or described in the warrant has committed the crime, a command to arrest and bring the named defendant before the issuing authority, directions as to the disposition of the defendant and the person title, signature, and seal of the issuing judge, magistrate or justice. The warrant should be personally signed. A printed signature, whether countersigned or not, may not be valid.

Liability

There are limits to the amount of protection given an officer in serving an arrest warrant. To protect himself, a sheriff should make certain, to the best of his ability, that the person to be arrested is the actual party for whom the warrant was issued, that he has not failed to act on any information available to him that a mistake is being made in serving the warrant, that the warrant clearly states the offense alleged, and in some jurisdictions that the amount of bail is indicated on the warrant.

If bail is allowable and not indicated on the warrant, it may be set by the issuing authority in an amount at its discretion, unless the laws governing in the state or county specify certain amounts for specific offenses.

Miscellaneous Warrants

In addition to warrants issued by a court or magistrate, there are other types which the sheriff may be required to serve. These include coroners' warrants, bench warrants, search warrants, and warrants issued on a writ of habeas corpus.

In some states, a coroner may issue a warrant ordering arrest of an individual when a coroner's jury has found that a person was killed criminally by the person for whom the warrant is issued.

A bench warrant is issued for a person indicted by a grand jury or in the case of a person who has been admitted to bail but has failed to appear in court when directed to do so. A bench warrant usually requires the person arrested to be brought before the court issuing the warrant.

A search warrant must specify the articles or material which is to be seized under its authority. Search warrants are required by the Constitution of the United States to be issued only upon probable cause. A search warrant is based upon an allegation made under oath specifically describing the place to be searched and the property to be seized. No property may be taken which is not specified in the warrant even though it is illegally on the premises.

Search

Most counties in the United States permit searches without a warrant if made after an arrest or with the consent of the owner of the premises. Search of the prisoner's person is usually confined to seizing items connected or associated with the crime. Dangerous weapons may also be confiscated. In some states, it is not permitted to search the premises as incident to arrest.

Force may be used if the occupant in possession of the premises will not permit entrance after identification and display of a valid warrant. However, the same rule applies as in the case of an arrest that only such force may be used as is required to carry out the terms of the warrant.

In the case of an illegal search, the citizen has the same right to resist the sheriff as he is entitled to with respect to any other person attempting entrance illegally. The fact that the person attempting to enter illegally is an officer does not nullify the right of the citizen to resist.

The sheriff should consult with his local prosecutor regarding local procedure and laws which concern search, seizure, and the collection of evidence.

A warrant based upon a writ of habeas corpus requires that a person under detention be brought before the issuing court in order to determine the legality of his restraint.

Evidence

The manner in which evidence is obtained, preserved, and protected is of great importance. The sheriff should also have a knowledge of the rules of evidence and how evidence should be presented to the court.

The three major types of evidence are oral, documentary, and physical. Oral evidence consists of testimony given by a witness under oath and is confined to the circumstances which he has actually seen or heard and which are relevant to the case. Documentary evidence is written or printed matter which is regarded as the best evidence of its existence. Physical evidence is an object which has a definite connection and which can be presented to a judge or jury. A murder weapon would be an example of this.

Collection of Evidence

The sheriff should collect and preserve all things found at the scene of a crime which are, or at some future time may be, of value as evidence. The most essential element in collecting and preserving evidence is in maintaining complete records on the chain of possession. It must be possible to recreate for the court the times, places, and persons who collected the evidence and of every person who handled it from the time of collection until it is presented in court. Any gap in the chain of possession may compromise the entire case for the prosecution.

The field of collection and preservation of evidence is wide and technical. The sheriff and his staff should be thoroughly trained in this field. A case may be lost due to an error or omission in collecting, preserving, or protecting evidence.

CHAPTER XV

CRIME PREVENTION, INVESTIGATION AND CONTROL

As chief law enforcement officer, the sheriff is charged with the responsibility to prevent as well as control crime in his county. Originally based on the common law, this responsibility has been defined in practically all jurisdictions by specific laws passed by the state legislatures.

Despite handicaps, including inadequate staffs and/or facilities, sheriffs throughout the country do their best to maintain law enforcement services within their communities at the highest possible standard.

Prevention vs. Control

The three phases of law enforcement work—prevention, investigation, and control—are closely related. Generally, prevention is the work done before a crime is committed, while control consists of actions taken after a crime has occurred. Investigation is the obtaining of facts and evidence needed to apprehend the offender and control the situation. Successful investigative work is the key to both the prevention and control of criminal activity.

In the control of crime there are three primary elements. The true facts involved must be determined, the situation isolated and attacked, and the conditions which have permitted the offense to take place eliminated in order to prevent further occurrences.

Evidence

The most important element in both the prevention and control of crime is the systematic and thorough accumulation of evidence which may be submitted to the courts.

It is essential that all members of a sheriff's staff be trained in the collection, preservation, and presentation of evidence to the court. Too many cases are continually being presented to the courts with inadequate, incomplete, or poorly prepared evidence.

Planning

An effective crime prevention and control program requires the preparation of a comprehensive plan of action. This plan should include the requirements of the agency for a successful program, a means of providing consistent service to the community, and measures to deal with emergency situations without disrupting the routine duties of the office.

To satisfy these conditions, and at the same time provide for a consistent plan, it is necessary to determine the pattern of current and normal field operations.

A complete cataloging of all community conditions which affect the crime rate and influence the total case-handling load of the office is needed. This may be accomplished by considering various areas of jurisdiction separately, such as substations or districts, and determining the enforcement requirements of each. Some sheriffs maintain spot maps which show the location and density of crimes within the county.

Density and racial composition of the population, as well as primary occupational activity in the several areas should be considered. Determination of potential areas of trouble such as slums, and congested factory sections, may aid a sheriff to anticipate and plan for potential trouble.

A sheriff should have personal, first-hand knowledge of the problems of his community. Areas of hazard, unusual circumstances such as industrial disturbances, the knowledge that previous offenders frequent particular areas, are all matters which the sheriff should consider in the development of a comprehensive and effective law enforcement operational plan.

A law enforcement unit, regardless of its size, is rarely organized to launch a concentrated attack against all crime within all areas of a community simultaneously. Planning is used to compensate for this lack. It is often

necessary to establish a system of priorities outlining the sequence of action to be taken while at the same time maintaining effective routine enforcement service.

The areas or conditions which demand the most immediate and concentrated attention receive first priority while problems of lesser importance are put aside for future consideration. The priority list should be the subjects of continuing re-evaluation to keep it current with actual needs and new developments. The list should be extremely confidential, otherwise information concerning future plans of the office may reach the criminal element and defeat the efforts of the sheriff's office.

The Control Program

A program for full prevention and control of crime can be organized once the normal operating pattern of the unit has been determined, thereby assuring satisfactory and consistent law enforcement.

Various methods are used in programming unit action. Many sheriffs divide their office into sections, each of which is assigned to a specific type of crime. In some offices, this cannot be done because of a lack of staff, while other counties may not require such specialization.

Other sheriffs detail deputies, as needed, to handle a single case on which they work exclusively until the case has been completed. Assignment of deputies to a specific area of investigation, or creating a unit devoted to a single area of activity, gives more positive results than indiscriminate assignments. Units may be formed to handle such specialties as juveniles, checks, bunco offenses, burglary, homicide, or vice.

Work of deputies assigned to these units should be directed toward both prevention and control of the crime specialty of their division. Specialization is important but it should not be carried to an extreme which causes the line strength of the unit to suffer because of the concentration of too large a percentage of the unit on limited areas of investigation.

The process of specialization may actually lessen success in the apprehension of offenders committing a single incident or opportunity crime. Offenses in the opportunity category may be adequately controlled by a vigilant and active patrol organization. However, if too many opportunity crimes occur, a concentration of several patrol units or the help of specialized units may be required.

To expedite investigation of localized crimes or incidents, the use of movement or pattern maps and charts is helpful in analyzing time and locality. A patrol unit may be able to lessen the incidence of such offenses by use of the information developed from these charts.

Solving cases of aggravated assault by juveniles, child molesting or sex offenses may require the coordinated effort of all divisions of the office.

If crime statistics indicate that isolated offenses of opportunity (unplanned or spur-of-the-moment crimes) are a large part of the case load, environmental conditions within the concerned area should be given direct attention. Programs directed toward removal or minimizing of physical conditions which encourage the commission of opportunity crimes are effective. Campaigns for slum clearance, better street lighting, etc., have been found successful in controlling this type of offense.

Community support is essential to the success of any program for prevention and control of widespread crime conditions. An effective public relations program can achieve amazing results in this regard. (See Chapter XXI, Public Relations)

A community sufficiently stimulated to assist its law enforcement body can be a real asset and contribute materially to eradication of detrimental conditions.

Offenses occurring in a community as part of a larger operation, crossing county or even state lines require a coordinated effort by a number of law enforcement agencies to establish control. Where there is organized crime which is not localized, any attempt at local control is difficult if not impossible.

The sheriff facing this problem should co-ordinate his activities with similar efforts of all other enforcement agencies. He should be certain that all sheriffs and chiefs of police in neighboring counties are alerted to the problem and obtain their cooperation in stamping out such conditions.

Organized crime is generally divided into five categories. They are sex and prostitution, narcotics, gambling, extortion, and systematic theft.

Unusual activity within the community concerning any of these areas should be countered by an intensive drive by all law enforcement units concerned in an effort to stamp out these practices.

Juveniles

Many authorities feel that correct training and handling of juvenile offenders is the first step to be taken in decreasing future adult crime problems. These experts maintain that rehabilitation programs for adults, while successful in some areas, do not provide the permanent result which might be achieved by improving the environment of the coming generations and by adequate spiritual training during their youth. According to the NSA Survey, a juvenile division is the specialty unit most often established by sheriffs.

Many sheriffs throughout the nation have organized Junior Deputy Leagues. These leagues were originally suggested by the National Sheriffs' Association in 1946, and are patterned after an organizational manual published by the NSA that year.

They are organized for enrollment of the delinquent or potential pre-delinquent but are open to youngsters from every stride of life-on "both sides of the railroad tracks." They have met with a high degree of success in work with juveniles and have been a potent factor in curbing delinquency in the counties where they are operating.

Programs dealing with juvenile offenders have a definite crime-prevention value. Some sheriffs and their deputies visit schools and present safety lectures. Others have instituted a voluntary system of bicycle registration. Sheriffs and their deputies often work closely with youngsters in sports activities and social clubs. A large number of sheriffs are closely associated with and often sponsor juvenile organizations of many kinds. Scout troops for both boys and girls are notable examples, as are boys' clubs and 4H groups.

CHAPTER XVI

TRANSPORTATION OF PRISONERS

The sheriff is frequently called upon to act as escort to prisoners who have been committed by a court to a distant institution. The manner in which this responsibility is carried out varies with the type of offense for which the person has been found guilty, and depends upon the requirements of the individual situation.

In general, there are five distinct groups of persons which the sheriff may be charged with delivering safely to destination, each group needing a different type of handling. Mainly, these groups are divided into male prisoners, female offenders, mentally ill persons, juveniles, and, in some cases, material witnesses.

Each of these groups presents differing and specific problems of transportation and various procedures and cautions must be observed in order to accomplish the mission safely. Details of the type of restraint recommended and the most efficient way of delivering the prisoners safely are too numerous to be included here. However, they are outlined in a number of outstanding texts.⁷²

In addition to physical restraint equipment, the transporting officer should be chosen with care both as to his physical attributes and his mental alertness.

⁷² California State Board of Corrections, *Prisoner Transportation Manual*. Also see Bibliography.

It has been demonstrated in practice that any shackling device fashioned by man can be escaped from by man. Therefore, the safe delivery of the prisoner depends upon the attitude and constant vigilance of the officer in charge of the person in custody.

An experienced sheriff knows that a felon being transported can be expected to take advantage of any opportunity to escape. Only by the constant vigilance and alertness of the officer can these attempts be overcome.

The three methods of transporting prisoners -rail, air, and motor vehicle-have individual problems of security. However, there are precautions which apply to all forms of movement.

In addition to constant vigilance, the officer should make certain that all restraint equipment is correctly applied and locked. He should always expect the worst from the prisoner and try to anticipate any escape attempt. The person transported should be carefully searched and any object which might be used as a weapon or an instrument of escape should be confiscated. Any request made by the prisoner should be carefully weighed to make certain that it is not part of a plan of escape. No shackling device should be removed from a prisoner unless more than one officer is present.

The most dangerous times during a movement are when the prisoner is on foot, during rest periods, while eating, when going through doors or going up or down steps, getting on or off vehicles, when approaching the institution to which the prisoner has been committed, and at times when he appears to be ill or asleep.

The most common method of attempting to escape is to distract the officer's attention, if only for a second. Generally this is done by making some special request, pretending that some condition exists which may or may not be partially true, or attempting to distract the attention of the officer by diverting it to some exterior matter.

Any request made by the prisoner should be viewed with suspicion. Seemingly simple appeals such as asking for a match or pleading a demand of personal necessity may be an attempt to divert the officer's attention and the first step in an attempted break. The best rule is never comply with a prisoner's request at the time he makes it. When requests are granted, the time and place should be at the discretion and choice of the officer.

The most ordinary pretenses designed to divert the officer's attention are feigning sickness, pretending to be asleep, or complaining that shackling devices are causing pain or dis-comfort. All of these should be carefully examined before the officer takes any action.

The handling of male prisoners, particularly if they have been committed for long terms or are under a death sentence, is an especially dangerous operation. Since these individuals have nothing to lose, an attempted escape cannot increase their penalties to any great degree. All male prisoners should be securely restrained during transportation, even during meal times. When possible, male prisoners should have two officers conducting the transfer of the prisoner to his destination.

In transporting female prisoners there should always be a female deputy or matron accompanying a male deputy. While most women do not have as great physical strength as a male, they can, and have on occasion, inflicted serious injury to an officer in an attempt to escape. The same degree of caution should be observed in the handling of females under sentence as previously outlined for male prisoners.

In the transfer of mentally ill persons to institutions, consideration must be given to the fact that these people are sick. They will not respond to logical reasoning nor methods normally used with the sane offender.

While there are no set rules for handling the insane during transportation to an institution, the FBI Law Enforcement Bulletin for August, 1957, makes the following suggestions:

1. Be casual in approach; do not attempt to hurry the patient.
2. Do not make threats, argue with, or frighten the person.
3. Maintain a calm and friendly attitude.
4. Use persuasion to gain the person's confidence.

5. Overlook all threats or insults and show sympathy to the problems and ideas of one mentally ill. Agree with them but do not lie to them.
6. Use authority but not force unless absolutely necessary, and then only to the extent required to maintain control.

A minimum of two officers should always accompany a mental case in the interest of safety, and restraint equipment should be kept immediately available at all times.

Law enforcement officers have sometimes underestimated the capabilities of a juvenile, a situation which has in some instances resulted in the death or injury of the custodial officer.

Juvenile offenders, particularly those approaching adulthood, can be extremely dangerous. A delinquent youth is rarely mature in his thinking, and fear of consequences may not deter him from an illogical or violent action. In spite of this, many law enforcement units transport juvenile offenders without restraining equipment. The same precautions and vigilance should be exercised in the transport of juvenile offenders as applied to adults.

In some instances, regardless of the age of the culprit, it may be advisable to use restraint. The period during which a youthful prisoner is being taken to a correctional facility upon orders of a juvenile court is the most critical.

The transport of material witnesses, who also may be victims of an offense, normally does not require particular precautions. For the most part, these persons are not criminals and have entered the case simply because of what has happened or what they have observed. Ordinarily, these persons are in custody only for their own protection.

CHAPTER XVII

EXTRADITION

The sheriff, in addition to being responsible for the protection of life, liberty and the property of the citizens of his county, is also charged with assisting in interstate crime control by attempting to return criminals to the location of their offense. This duty is based on the principle that the enforcement of criminal law requires the punishment of all persons who have committed crimes against society, even though the offender has fled the county where the crime was committed and is no longer under the control of the sheriff of that county.

Extradition is the process by which offenders are returned to the scene of their misdeeds to face prosecution or punishment. During the early history of the United States, there were comparatively few extradition cases. However, with the great increases in urban populations and the development of fast transportation, the need to extradite wanted offenders increased tremendously. As easy and rapid transportation became available, criminals began to travel swiftly from place to place making their apprehension more difficult for law enforcement officers.

It is universally recognized that a state or nation has sole jurisdiction over all persons within its boundaries. Since legal restrictions and controls within each area vary, the problem of returning fugitives from justice for trial or punishment in the jurisdiction where the offense occurred, was difficult. It is a recognized legal principle that agents of one government cannot invade the territory of another and take control of property or persons without specific authority to do so.

The need to apprehend law breakers and at the same time comply with the legal requirements of the jurisdiction involved, demonstrated the necessity of a standardized system for the return of criminals to the place of their offense for trial and punishment.

In 1935, the Interstate Commission on Crime was established to work out uniform methods for the closing of loopholes in the law which had prevented the punishment of some fugitive criminals. A system of cooperative crime control legislation and compacts made between the various states was the result.⁷³

The only exceptions to the rule that one government has no power over persons within the territory of another are contained in the principles of comity, fresh pursuit, and extradition.

Comity is the willingness to grant a privilege as a matter of courtesy, respect, and good will, not a matter of right. This is not a rule of law, but is an attitude and action of practice, convenience and expediency.

Extradition is a legal procedure by which a person physically in another state or county is returned for trial in the state where the crime is alleged to have been committed. It is also the procedure for the return from a foreign nation of a defendant who has escaped the country in which the crime was committed.

Although legislation governing extradition is not identical in every instance with the model acts suggested by the Interstate Commission, 39 states and territories have adopted some feasible or satisfactory method. Adoption of these laws by the various jurisdictions concerned has materially expedited the return of fugitives to the place of their offense for trial.

Frequently, sheriffs will have occasion to pursue a lawbreaker over county or state lines. This is considered "fresh pursuit" and is an action instituted immediately after the commission of a crime. The intent is to capture the fugitive and recover stolen property.

The rights of law enforcement officers acting under the principle of fresh pursuit of criminals across governmental lands is defined within uniform crime control legislation or interstate compacts which have been adopted by the various states.

The authority for international extraditions

is contained in treaties between the United States and various other nations of the world. For the most part, international extraditions are handled by federal agencies. There are, however, some instances in which law enforcement officers representing a state or county have authority to institute extradition proceedings with foreign countries.

State compacts on fresh pursuit, extradition, and parole and probation have proved so successful throughout the country that model interstate compacts on gambling, narcotic, perjury and bribery offenders, as well as witness immunity have been developed by the Council of State Governments for consideration of all other states. Some states have adopted part or all of these suggested procedures, but there is still a necessity for further consideration before they will be universally applicable.

The sheriff, in conducting an extradition procedure, is acting as an agent for the governor of his state. For this reason, the power of decision on the part of the sheriff is very narrow and all actions must be in conformity with the requirements of the laws of both states concerned in the proceeding.

The governor has considerable power and discretion in authorizing or refusing extradition. Some states limit the powers of the governor by prohibiting expensive extradition actions for petty crimes or for matters where there is doubt that a conviction will result. However, once an extradition demand has been made in writing, the governor of the state harboring the fugitive does not have the right to go into the truth of the offense itself, but is limited to an evaluation of the merits of the extradition action.

In any extradition case, the sheriff should consult with authorities in his state as to specialized forms and procedures required by the local jurisdiction and the statute of limitations concerning the specific offense charged.

⁷³ The Council of State Governments, *Handbook on Interstate Crime Control*

While extradition forms may vary from state to state, there are certain requirements that are almost universal. These are:

1. Certified copies of the indictment from the originating state.
2. Certified copies of the information or complaint against the person charged with the offense, or court records showing the conviction and sentence imposed upon the fugitive.
3. Documents, either the originals or certified copies, supplemental to the information or complaint.
4. Copies of the application made to the governor instituting the request which show his action in the matter.
5. The governor's warrant issued by the demanding state.

In addition to at least two complete and certified sets of the above documents, the sheriff should have sufficient funds to pay any necessary fees and provide for transportation and meals for himself and his prisoner.⁷⁴

CHAPTER XVIII

CIVIL PROCESS AND PROCEDURE

Civil process and procedure is a complex subject, the exact details of which vary from state to state and county to county. The sheriff, as the officer most directly concerned with civil legal processes, should familiarize himself with all regulations, codes, and laws of his state and county which define his official civil duties.

The civil operations of a sheriff's office have none of the spectacular phases of the criminal side of the duties and responsibilities required of the sheriff. However, the sheriff risks the threat of damage suits unless he carries out all duties of a civil nature in compliance with the laws in his jurisdiction.

Since the sheriff and his deputies are liable under their bonds for any deviation from the legally specified manner of handling civil processes, it is essential that all acts of a civil nature be carried out in the exact manner set forth in the law.

The form of issuance of civil writs varies widely throughout the country. For this reason, considerable study may be required before a sheriff is fully familiar with the restrictions, stipulations and procedures specified by law in his area.

In some counties, the civil operations of a sheriff's office are so large that they may be accepted by the court, a summons may be issued soat the request of the plaintiff. This summons specifies the nature of the complaint and sets a time for the defendant to appear and answer the charges. It is the duty of the sheriff to serve the summons, together with a certified copy of the complaint, upon the defendant.

The sheriff then makes a return to the court certifying that the service has been made. This return normally shows the date the summons was received by the sheriff, the date it was served, and the signature of the official making the service.

Civil actions having to do with property may concern either personal or real property. In either case, all property attached by the sheriff must be protected by him until the case has been settled in court.

The sheriff is frequently ordered to sell, at public auction, property which has been seized in order to satisfy a judgment of the court. In all cases of a sheriff's sale, it is required that notice of sale specifying the time and place, and a description of the property to be sold, must be published.

⁷⁴ Details of forms applicable to states operating under the uniform act are included in the interstate crime control handbook. Up-to-date information on extradition officers of every state and required fees, if any, may be found in the Directory of Sheriffs published annually by the National Sheriffs' Association. In 82 states, the governor is the extradition officer, while in an additional 11 states the attorney general or one of his assistants is designated.

The sheriff should familiarize himself with the statutes and local regulations concerning these sales. They vary in different jurisdictions and are different for the type of property to be sold-perishable, real, or personal.

The sheriff should give the purchaser a certificate of sale describing the property, the price paid and the name of the purchaser. This certificate should be dated and certified by the sheriff. If real property is involved, a duplicate of the certificate should be filed with the county recorder as a lien against the property.

When sufficient property has been sold to satisfy the judgment, no more should be sold by the sheriff. No sheriff, or any of his deputies, is permitted to make any purchase, or have any interest in gaining property through a sheriff's sale.

CHAPTER XIX

THE SHERIFF AS A COURT OFFICER

The sheriff in most states is charged with the responsibility to protect and support the judicial establishment. In this capacity, the sheriff acts as executive officer of the court. This duty, originally, was made the responsibility of the sheriff under the common law. It has since been written into the statutes of the various states. The duties of the sheriff as a court officer have now been defined by court precedents, directives of the court, and legislation.

The sheriff, except in a small county, does not operate as a court officer himself. One of his deputies ordinarily acts as his representative. This official may be appointed by either the sheriff or the judge of the court.

Official titles for these officers vary in different areas of the United States, but are universally classed as court attendants or court officers.

Duties of court officers are similar regardless of the jurisdiction or power of the court. Court attendants, whether appointed by the sheriff or the judge, are generally assigned to the higher civil or criminal courts sitting in the county.

In some jurisdictions, constables, elected in the same manner as the sheriff, act in the same capacity when serving in a court with limited generally only responsible for duties at the Acounty or township level. However, some states require the sheriff to serve municipal courts.

There are four usual types of superior courts in a county. They are civil, criminal, probate, and juvenile. In state or federal courts with higher jurisdictions, the court attendant may be a United States marshal.

While the sheriff is required to handle the service and return of papers prior to the start of the court action, he also has the responsibility for maintaining order in the court, supervision of juries, producing persons directed to appear by the court, and maintaining records of orders issued to him by the court.

Persons selected for duty on a jury are summoned by the sheriff and notified of the date and time when they are required to appear. Service of summonses for appearance are made by the sheriff or his deputy.

The sheriff is responsible for the protection of all citizens selected for jury duty. Persons excused from jury duty prior to the trial are discharged from the responsibility to serve during the current case.

During a trial, the sheriff is responsible for the health and well-being of the jury; for their protection from influence; and for the funds expended to provide for the needs of the panel.

Juries may be required to leave the court-room to inspect the scene of a crime, to hear testimony, or observe evidence which cannot be produced in court. The safe escort of a jury for meals is a responsibility of the sheriff, and he must deliver the jury to the jury box when directed to do so by the court.

The sheriff's duties and responsibilities do not end until the jury is discharged by the judge. From the time the jury is impanelled until it is discharged, it is the responsibility of the sheriff to carry out all provisions of the law with respect to the handling of juries.

The sheriff's duties with respect to courtroom procedure are concerned primarily with calling and maintaining order, producing witnesses and prisoners, and keeping required records.

The sheriff is charged with many responsibilities and duties in connection with his court duties. In the handling of the jury and custody of prisoners, he should consult with the county attorney with respect to the local legal requirements.

A conference with the presiding judge before the beginning of a trial will give the sheriff a knowledge of any special handling which the judge might require.

The sheriff who determines what is expected of him, and who anticipates the unexpected, is better prepared to handle the courtroom routine systematically and in a manner which the judge will approve.

The failure to do this may result in serious consequences.

CHAPTER XX DEPARTMENTAL FACILITIES AND EQUIPMENT

The efficiency and effectiveness of a sheriff's department are dependent not only on the numerical strength, quality, and performance of personnel, but also on both the type of equipment and the available facilities.

Minimum Standards

Sheriffs are faced with the problem of maintaining law and order regardless of limitations of personnel, equipment, or facilities allotted them. For this reason, any attempt to establish a specific equipment level applicable to all sheriffs' units is impossible. Variations exist between every county in a state and every state in the country. Personnel strength, equipment, and facilities available to sheriffs vary, even though they are required to handle similar areas with approximately the same population and have comparable responsibilities. Despite the inequality in supplies of equipment and facilities, and the disparity in the number of personnel, creditable performances are being recorded. It is unfortunate, but true, that many sheriffs are required to work with inadequate equipment, less than the essential minimum.⁷⁵

Fixed Facilities

One of the most significant items, affecting the county as well as the sheriff, is the provision of controlled space in buildings. While sheriffs are not usually directly charge with procuring these facilities, the operation of a unit may be impaired because of lack of sufficient office space, storage room, or space for other needs. Most sheriffs are required to obtain headquarters within housing belonging to the county. Offices may be located in the county wcourt house itself. Under ideal circumstances buildings have been specifically designed for the use of the sheriff's department. Many sheriffs have their offices in the county jail. Others occupy temporary or leased quarters. However, the lack of adequate office or operational space is a problem for many sheriffs throughout the country.

In setting up space requirements, there are four elements to be considered.

1. Public access should be convenient and easy without confusion or crowding.
2. Record keeping areas should be separated from the public service section, but should be accessible to officers for reference.
3. The area for all activities involving offenders, such as booking, should be out of the public view.

⁷⁵ N.S.A. Survey. Inadequate radio communications and obsolete equipment are to blame for the troubles of many sheriffs. In some areas, the sheriffs must depend upon other agencies for jail communications or office facilities. Many sheriffs, unfortunately, do not have adequate space for admin-istration and investigative offices, or safe storage of important records

4. Space allotted the sheriff should be sufficient to allow inter-office movement of personnel without confusion or difficulty.

Mobile Equipment

There are three major types of mobile equipment, consisting of service, support and auxiliary.

Service equipment is the most important and is given first consideration. Mobile patrol elements are the first to arrive at a crime or accident. These units may be called upon to provide service under trying circumstances when time is of the essence.

Support equipment is used in supplemental investigative work. Time and speed are not an essential element in support unit operation. Support equipment is usually dispatched after the patrol unit has arrived and established the need for more equipment and personnel.

Auxiliary equipment is the third type of mobile unit used by sheriffs. This may include field radio transmitters, laboratory or rescue trucks, fire-fighting equipment and ambulances. Auxiliary services may be provided by contract sheriffs throughout the country depend upon wmobile equipment more than any other single type.

Some counties carry out both patrol and investigative functions by the use of the man on the beat and single vehicles. In other areas, patrol and investigative units may be separate, and supplemental equipment and personnel dispatched as needed.

Determining Vehicular Need

Determination of a minimum of mobile patrol and investigative equipment requirement depends upon local conditions. Some factors entering into an analysis of these needs, are:

1. The area to be covered.
2. Personnel strength of the organization assigned to field operations, and the number of men and vehicles required for emergency assignment.
3. The number of units required to be out of service for maintenance or repair.

Adequate equipment to fulfill all these requirements will permit the sheriff to maintain an effective patrol and investigative service during all hours, under any conditions, or at any location within his jurisdiction.⁷⁶

Emergency Equipment

Every sheriff should have available, whether in his own office or on a loan basis from some other agency, facilities and equipment adaptable to the handling of any emergency. Rescue trucks, ambulances, boats, and aircraft are valuable adjuncts to a complete law enforcement service. This equipment may be obtained through arrangement with other county or state agencies, or with private individuals or concerns. Some sheriffs have contracted for these services rather than purchase the equipment outright.

Some needs, notably the use of boats and aircraft, have been filled through the organization of a civilian, auxiliary, or reserve unit.⁷⁷

Sheriffs in some areas are charged with responsibility for operation of rescue and/or ambulance service, and in some states legislation has been adopted specifically enabling the sheriff to operate such units if these services are required. Other states have laws directing the sheriff to furnish these services if they are not otherwise available.

⁷⁶ Most sheriffs devote the major part of their attention problems involving patrol and investigative activities. Often a patrol service furnished by the sheriff is the only policing agency available to the people of the area.

⁷⁷ Many sheriffs have organized reserve components devoted to specialized services. Mounted posses, air squadrons, under-water rescue and recovery units, etc., have proven their value to law enforcement agencies during times of emergencies in all sections of the country.

Some sheriffs also operate fire departments for local or community protection. This has been coordinated with civil defense programs. Rescue or fire control equipment operated by a sheriff is, in some cases, owned by the county, or may be a part of the local, state, or Federal civil defense establishments.

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Civil Disturbance Equipment

During an emergency or disaster situation, it is important that the sheriff have available immediately, the weapons and supplies needed to meet the crisis, regardless of its nature.

Crises do not allow the sheriff time to obtain needed material from other sources. In case of civilian disturbances, the sheriff should have at his command a supply of tear gas, shotguns, and even automatic weapons required to quell the disturbance. This holds true even though population and topography of the county do not seem to indicate a need at the present time.

Communications

Radio communications between mobile elements and operating headquarters of a sheriff's office are indispensable to an effective operation. The high initial cost and maintenance requirements are sometimes prohibitive to the installation of a two-way communications system for the sheriff. This invariably lowers the efficiency of the operation and endangers the life and welfare of the patrolman. Effective contact with headquarters must be maintained.

Good communications facilities permit a sheriff to deploy his operating line strength effectively. Use of the telephone alone to report the conclusion of a detail by a patrolman, makes it impossible to call the deputy off a routine assignment in order to meet a critical situation which might develop.

Radio provides an instant means of contact and permits immediate diversion of needed personnel and equipment to the points of acute need.

Some sheriffs can use facilities maintained by other agencies, rather than establish their own radio network. It is also true that some sheriffs maintain a complete communications system used by other agencies.⁷⁸

Some sheriffs have been able to obtain mobile radio stations from armed services surplus stock with trailer power generators. Mobile transmitters of this type play an important role in the sheriff's civil defense planning for disaster. Equipment of this type can provide radio communications for a large area.

Many sheriffs have communications systems which include secondary channels permitting patrol cars to communicate directly with each other. Several large departments operate multi-channel systems of this type. Operational flexibility has been expedited by use of these systems and unit control improved.

Outlying installations operated by a sheriff have found point-to-point radio systems invaluable in coordinating operations. Some departments have adapted modern electronic developments to law enforcement work. Closed channel television has been used effectively in safety, traffic control, custodial, and court supervision duties.

Custodial

⁷⁸ Alameda county Sheriff's Department, Oakland, Calif., operates and maintains one of the largest special service radio nets in the country. All county services and several large municipal police departments depend on the Alameda county system for quick communication.

Adequate and satisfactory facilities must be available to the sheriff to permit safe custody and protection of felons and other persons who have violated the law and been committed to him for safekeeping.

In his capacity as chief law enforcement officer of the county, the sheriff is charged with the care and custody of all persons committed to his care by the courts. Although the physical plan of custodial facilities varies widely in different jurisdictions, nearly all sheriffs maintain a security unit of some sort. These may vary from a one-room lock-up to a complex multi-unit prison or farm organization.

Minimum custodial facilities adequate to house, safely and securely, all persons committed to the sheriff by the courts, including persons being held pending trial, or who are retained for reasons of safety, security, or to provide key evidence, should be provided to a sheriff. Unfortunately, most sheriffs do not have such minimum facilities.

Jails

A jail, the usual facility operated by a sheriff, is frequently located in the county court house. The great majority of jails operated by sheriffs were built many years ago and are obsolete. They present many operational problems. Inadequate space, poor planning, or inferior construction, are a definite handicap to the sheriff in providing a good custodial facility.

In spite of this, many sheriffs operate highly satisfactory custodial units through the use of carefully planned, logical, and tried administrative, security, and safety methods.⁷⁹

During recent years, some sheriffs have been consulted in the planning of their own custodial installations. This is an ideal situation, since it permits the sheriff to plan the best possible custodial building for his specific requirements. While outside experts may be consulted, the local sheriff is more familiar with problems deserving special attention. The sheriff should be consulted whenever a new custodial structure is being considered.

Jail Farms

Many sheriffs have undertaken the organization and operation of facilities which use farming as an activity for the inmates. While prisoners are, for the most part, handled similarly in most states, the farm system, with a minimum security operation, has proved to be advantageous in the counties where it has been instituted.

Useful, open-air activity for offenders has been helpful in reducing custodial control and handling problems. Efficiently operated farms have demonstrated that substantial savings in maintenance and inmate support cost are realized. Garden products, meat, milk, and poultry can be produced to provide well-balanced, yet inexpensive, meals at a lower cost than if bought on the open market.

All communities are interested in tax savings. When it is demonstrated that this can be accomplished by the establishment of a jail farm, efficiently operated, the public will support the enterprise.

The sheriff also can obtain favorable newspaper reports and public notice through the operation of a successful farm rehabilitation center, as has been proven by the Santa Rita farm in Alameda county, Oakland, California.

Rehabilitation Programs

The rehabilitation system of custodial care by sheriffs is a comparatively recent innovation. Many sheriffs, because of experience gained in the work, have strong beliefs that the farm program is essential in the control and rehabilitation of convicted criminals.

⁷⁹ Two excellent texts on administration and operation of a jail are available. They are: *Jail Administration*, by M. E. Alexander, and *The Modern Jail*, by Roy Casey.

Many sheriffs operate such activities with great success because of this belief. The large number of farm programs, operated by sheriffs, have proven the effectiveness of the rehabilitation program after adoption of the jail farm system.

Special Custodial Unit Equipment Needs

A sheriff undertaking special custodial duties, farming or rehabilitation duties, will discover that additional equipment for specialized needs is necessary. Farming programs require entirely different equipment from that ordinarily needed by a sheriff. Trucks, irrigation pumps, and ordinary farm equipment will be required. In small operations, needs may be satisfied quite simply, but in large operations, a large capital investment may be required.

Administration

Administrative requirements of the average sheriff's department are the least important of all facility and equipment needs. A sheriff can have an effective operation with only a patrol unit and no definite administrative headquarters. In practice, much of the activity of the rural sheriff is conducted in this manner. Practically, however, the sheriff should have adequate quarters, office equipment, and storage areas.

Sub-Administrative Units

Large departments are faced with the necessity of establishing one or more substations or other secondary units. Population increases and urban concentration have, in recent years, demonstrated that decentralization is needed to provide adequate law enforcement as population increases in particular areas.

In large counties, consolidated sub-units have been established to provide needed county services to the community. All county services are represented in these plans and the combined service is less expensive to the county than attempting to establish an isolated sheriff's unit, a separate welfare, or health unit for each area.

A consolidated arrangement of this kind will prove that the net cost to the county will be less, and the sheriff may also enlist the support of other county departments in obtaining the new facility.

As a result, the sheriff may gain a sub-station which he might not otherwise be able to justify.

Supplemental Equipment

Many items of equipment are available for use by the sheriff in his work. Much is scientific or for use in specialized fields. However, use of these assets can contribute to a better law enforcement program.

Machine Records

Special purpose administrative equipment, such as a punch-card sorting system is used by a number of larger sheriffs' departments. Machine records systems, where case loads and administrative demands require, are a good investment. Time is saved in handling routine search and scanning operations, and the major investment required to install the equipment can be justified.

On a smaller scale, modification of this equipment can be used by departments with small case loads. Visual index or rod-sorting systems can be utilized effectively.⁸⁰

Many items of equipment are available for the sheriff's use should the need arise. Information may be obtained easily by inquiry to a number of nationally known companies specializing in the administrative field.

Scientific Equipment

Scientific equipment used by the sheriff's department is confined, for the most part, to crime laboratory sections, identification bureaus, or communications divisions.

⁸⁰ The "rod" system is a modification of the punch card system, but operated manually by the file clerk.

Depending upon the scope of the laboratory identification service, equipment can vary from simple to highly complex machines. Many sheriffs confine their laboratory work, to photographing the scene of the crime or accident, and preserving evidence, or to the usual "mug shots."

Preparation of photographs, charts for court presentation, etc., also may be handled by the sheriff's laboratory staff.

A few large departments maintain laboratories which can provide a complete scientific service, including blood and chemical analyses and spectographic studies.

Some sheriffs furnish this service to other agencies, including the municipal police systems within the area. Laboratories of such a complex nature must be staffed with trained and competent scientists to perform the highly specialized and technical tests.

Photographic Equipment

The item of technical equipment most frequently used by a sheriff's department is a camera. Some departments do the photographic work themselves; others contract for it with a commercial agency. In some departments, a deputy is assigned to do all needed photographic work, including the taking of pictures, developing the films and making prints or projections for use in court.

Some sheriffs use a variety of equipment, including cameras using cut film, roll film, color film. Movie cameras and 35 millimeter cameras are also in use in some departments.

The most frequently used camera is the 4x5 graphic or a smaller reflex unit using roll film.

With a small amount of training, a deputy may be taught how to use his camera and produce good results with different types of photographic equipment. Photographs are one of the most valuable types of evidence which can be obtained at the scene of a crime and used in the presentation of evidence in a court.

The Polygraph

The polygraph, commonly known as the "lie detector," has been used increasingly by sheriffs in recent years. In the hands of a competent examiner, the polygraph has greatly expedited investigations. There are now several accredited schools and universities which have courses for training in the use of this instrument.

While basically an investigative tool, with results not being recognized in the courts of most states, investigators have been able to save considerable time in eliminating suspects quickly. It has proven that it more than pays the cost of the machine and the training of the operator through the narrowing down process of winnowing out possible suspects with expediency.

Medical and Clinical Equipment

Operation of a rehabilitation center or clinic may require procurement of scientific equipment for use in medical, dental, or clinical work. Sheriffs usually depend upon the recommendations made by the medical officer in charge of the installation for the needed tools.

Except in the largest departments, sheriffs use other county services or contract with private agencies for the medical and dental needs of the inmates.

Civil Defense Equipment

In most areas, sheriffs are associated in some way with the civil defense program. In this capacity, they are charged with the procurement of disaster equipment and keeping it in a state of readiness.

Radiological monitoring instruments, field equipment, and complete medical installations are stored and maintained by some sheriffs. Equipment originally allocated for civil defense has been utilized in a number of

areas where disasters have occurred. Having this type of equipment available in time of emergency can be of great value to the sheriff and the community.

Specialty Equipment

Other specialized technical equipment is also being used by departments in some areas. One such is SCUBA (self-contained underwater breathing apparatus), which has been used for underwater searches, the recovery of bodies, etc. This equipment, in the hands of a competent diver, makes it possible to preserve otherwise irretrievable evidence, and to recover articles which have been lost in the water.

Training Equipment

Much of the equipment necessary for training can be improvised by a competent teacher. However, other training aids, valuable to the program, require that they be procured from sources outside the department.

A 16 mm sound moving picture projector is a valuable piece of equipment. Films are available, either by loan or rental, from a number of sources, including the FBI, schools, or private companies. Many excellent films are produced by firearms and ammunition manufacturing companies which are adaptable to law enforcement.

Depending upon the budget of the sheriff's office, training equipment can be supplemented through purchase of a 35 mm color slide projector, film strip projectors, or opaque projectors. Information concerning all of this equipment, and many other training aids, is obtainable through consultation with local school authorities.

Expansion of Services

As needs dictate, the sheriff can easily obtain information on many items of equipment which will materially assist in carrying out his function in law enforcement. While much of this equipment may be obtained, as mentioned before, from departments which can justify the need and procure the funds, a considerable amount of equipment can be justified for procurement by the individual sheriff and become an integral part of his unit.

Research, careful evaluation of needs, and mobilization of county resources can aid the sheriff to a considerable degree in the satisfactory performance of his duties.

CHAPTER XXI

PUBLIC RELATIONS

The importance of public relations in the operation of a sheriff's office was not recognized until only a comparatively few years ago. During the last two decades, however, sheriffs have become increasingly aware of the value of maintaining a friendly and understanding relationship between every law enforcement office and the community which it serves. Since successful law enforcement is largely dependent upon public support, a cooperative community spirit can be of material assistance to a law enforcement unit in maintaining the peace.

Webster has defined public relations as "the activities of an ... organization in building and maintaining sound and productive relations ... with the public at large, so as to adapt itself to its environment and interpret itself to society."

This is particularly applicable to a sheriff's department in establishing a successful policing program through the confidence, respect, and support of the community. The sheriff's unit must do its part in cultivating a favorable attitude on the part of the public. One of the most important elements in a good public relations program is to keep the people informed as to the activities of the law enforcement agency. Full reports on the activities of the sheriff and his deputies and the reasons behind them should be made available at all times. A feeling that something is being held back or an attitude of "the public be damned, I'm running this office" can only result in an unfavorable atmosphere and lack of cooperation on the part of the public.

The cooperation of the people of the community with their law enforcement representatives will result in mutual confidence and respect and materially assist in crime prevention, crime detection, and a reduction in traffic violations. This all will add up to a saving of life and property.

In developing a successful program, the attitude of every member of the sheriff's staff is important both on and off duty. Confidence of a community in its sheriff's department depends upon the degree to which the sheriff and his deputies are able to impress the public of their competence, wide general knowledge of county affairs, and their desire and ability to provide the protection and service the community needs and expects.

High morale of a unit finds an immediate reflection in the degree of confidence felt by the public. Efficiency of an officer is largely determined by his self-confidence, study, training, and self-discipline. Only through practical experience, application, and devotion to duty can an efficient performance be achieved. Courtesy, patience, and tact, result naturally from the competency of an officer. These are qualities which help gain, temper, and maintain the support and approbation of the public.

The public generally considers each deputy as being representative of the sheriff himself. Favorable or unfavorable impressions made at initial contact, personal deportment and demeanor during an investigation, and attitude while working on a case, have a definite effect on community attitudes.

In handling crowds attending sports events, public meetings, parades, celebrations, etc., the sheriff is provided with an excellent opportunity to improve his public relations. Proper policy, adequate planning, and courteous methods lead to a feeling of respect on the part of the public. The use of force should be limited to situations in which no other method of control is sufficient. This might occur in a mob situation, but would seldom be necessary during rush hour traffic jams, parades, or other peaceful large gatherings.

In considering any public relations program, the makeup of the community must be taken into account. All areas contain a number of organized groups, clubs, and associations which can be of assistance to a law enforcement unit. Many of these organizations are interested in the welfare of the community. These groups should receive the cooperative attention and interest of the sheriff. They can materially assist a law enforcement agency.

Organizations may be formed according to their race, religion, occupation, profession, or for any of a number of other mutual interests. Any cosmopolitan area which consists of a number of different segments can develop serious problems for the sheriff. It is important that rival groups should be handled without any favoritism which might create a disturbance.

Dissemination of Information

Many media are available to the sheriff in informing the public with respect to department operations. No single technique is completely effective if used as a sole means of information to the community.

Each has its own definite use and field of coverage in a complete, well-rounded public relations program. The sheriff should use as many methods as possible or desirable in presenting his story to the public.

The Press

Since the primary function of the press is to keep the public informed on matters of public interest, including the activities of all governmental departments, public officials, and civic occurrences, the sheriff should cooperate in every way possible with this group. The press performs a definite and essential service for the public. This fact is recognized by a great majority of sheriffs, who have established working relations with the newspapers.

It is wise, however, to establish a definite policy governing press relations. Representatives of the press have a job to perform, as do law enforcement officers. Sheriffs should release all possible information to the press with no discrimination being shown as between different publications, but discretion should be exercised with respect to the release of information which could damage the progress of an investigation. Most newspapers will cooperate if the sheriff is straight-forward and does not attempt to withhold information on grounds other than that it will interfere with the solving of a case.

Cooperation with accredited representatives of the press is important to a sheriff in developing good public relations for his department. A cooperative attitude in giving information, coupled with a courteous explanation if required, generally results in a favorable presentation of the facts by the newspaper.

Public Appearances

Public appearances made by the sheriff or his representative can be effective in molding public opinion and explaining the workings of his office.

The sheriff using this medium should exercise care in the selection of his speaking representatives appearing before community groups. The sheriff himself should carefully prepare his presentations. If necessary, officers taking part in a speaking program should take specialized training in public speaking.⁸¹

Many opportunities for making public appearances are available in any community. Schools, churches, farm centers, civic clubs and many others, once they know the sheriff is available, will request him to address them. Appearance before as many groups as possible provides the sheriff with a chance to present his program, explain actions of his department, and gain support for a planned undertaking.

Radio and Television

Radio and television have been used effectively by many sheriffs. These media have a definite advantage in presenting facts to the public, since a large audience is reached at one time. Additionally, both radio and television offer the opportunity for the listener to hear the sheriff in the comfort of his own home or automobile.

The National Sheriffs' Association has prepared a series of six television scripts devised to present various parts of a sheriff's overall duties and responsibilities in the most effective manner. These scripts, with some modification, have been used for many successful appearances by sheriffs on both radio and television.⁸²

their use should be exploited. This is especially important to sheriffs, since during recent years nearly all have been subjected to a great deal of criticism and damaging propaganda.

One of the most common attacks made upon the sheriff, which seriously impairs public relations, is that his office is outmoded. These attacks are definitely unwarranted and should be fought.

The sheriff must present, at every opportunity, all facts which will support the value, efficiency and necessity of the office of sheriff. He must prove to the public that merely because metropolitan areas are increasing in size, the entire program of law enforcement cannot be scaled to the metropolitan level. Far too many publications now on the market concern only the metropolitan police and ignore the necessity for a county system of government.

Activity to combat such an erroneous concept must be pursued for the sheriff to survive as a public official. The more persons, and the more often the sheriff can reach them with his message, the more effective will be his public relations program.

Brochures and Periodicals

Brochures, periodicals, and reports can be effective means of implementing a public relations program. If the sheriff's budget permits, it may help to prepare a special publication or brochure to explain any particular phase of his operation. This method has been used effectively by sheriffs throughout the country.

Brochures, if carefully prepared and briefly presented, can be effective without being prohibitively expensive. Sheriffs have used this approach in presenting isolated problems, frequently limiting the pamphlet to a single phase of action.

⁸¹ *The Officer Speaks in Public*: Everett M. King. Charles Thomas Co., Springfield, Ill.

⁸² The National Sheriffs' Association, Television Script Series. Nos. 1-6.

Nearly all the larger sheriffs' departments and many smaller ones prepare annual reports detailing accomplishments of their departments during the past year.

Some of these reports are detailed and include carefully prepared informative charts. Some include photographs showing departmental personnel in action performing the functions of the office. Others are simply mimeographed. All can be used in a program of information for the public.

Visual Aids

An extension of the brochure and periodical technique of public relations is the use and production of training or publicity films. Moving pictures are often available locally at small cost, and special films directly applicable to the duty and responsibility of the sheriff may be produced. Films which do not have sound, require a narration by one of the sheriff's personnel. Tape recordings can be prepared for use in conjunction with a silent film projection.

Many sheriffs use visual aids by utilizing color slides, film strips, or opaque projectors. Any medium of demonstration increases interest and attention of an audience in a speech.

Sheriffs interested in visual aids may obtain information and valuable suggestions from universities, teachers, or the public libraries. Many visual aids available for a nominal cost may be effectively used in public relations.

Tours

Many sheriffs use tours through their own installations in their public relations programs. Tours devoted to rehabilitation programs, juvenile work, or patrol activity can be of interest to many persons in the community. Cub and Boy Scout troops, Girl Scouts, Boys' clubs and many other organizations can quickly gain a valuable insight into operation of a sheriff's department by this means. Adult tours are also valuable in educating the public in the various aspects of the sheriff's program. Tours are probably the least expensive of all auxiliary public relations activities, since the only cost involved is the time the guide spends with the group. Tours also provide opportunities for a sheriff to prove visibly that the various functions, responsibilities, and activities of the department are being adequately handled.

Displays and Demonstrations

Many sheriffs find it helpful to provide special displays for use by civic organizations during festival or special activity periods within the community. Displays, if carefully designed and tastefully presented, are effective and create a favorable impression on the community. Brochures or other visual aids also may be used in conjunction with a display.

Sheriffs are frequently asked to participate in parades, civic festivals, or celebrations by providing patrol cars, rescue trucks, etc. Sheriffs are often requested to act as grand marshals of parades.

Public showings of official equipment in actual operation can demonstrate to the community the efficiency of the sheriff's department.

A rescue from a collapsed building, participation in civil defense exercises, or a public demonstration of communications efficiency can create public interest.

Auxiliary Units

An effective public relations medium is the organization of an auxiliary unit of some type. Auxiliary units are organized for the purpose of fulfilling a special duty or satisfying a community need. These units are used to assist the sheriff during time of stress, crisis, or disaster.

Auxiliary units can be of great assistance to a sheriff's organization. They are volunteer units composed of citizens who support the activities of the sheriff. Many members of such auxiliary organizations become powerful supporters of the sheriff and his program.

Hundreds of sheriffs throughout the United States have organized sheriff's posses, air squadrons, flotillas, juvenile units, and special rescue squads.⁸³ Almost without exception, these units are effective in actual work accomplishment, and additionally have been highly effective as a medium of public relations.

Cost may be a deterrent in some instances; however, a careful evaluation may demonstrate such an expenditure will more than pay dividends in efficiency, production, and overall county law enforcement.

Relationship with Other Agencies

Close and amicable relations should be maintained between the sheriff's department and associated agencies in county government. Co-operation between probation, parole, welfare, and other law enforcement agencies is valuable. The individual public relations efforts of all agencies will supplement each other, and indirectly influence the population of the county in favor of the entire county government.

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⁸³ *The National Sheriff*, Washington, D. C.

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